

appealform.pdf | Download | 1 of 1



Department of Planning and Zoning

149 Church Street, City Hall
Burlington, VT 05401-8415
Phone: (802) 865-7188
Fax: (802) 865-7195

www.burlingtonvt.gov/pz

OCT 08
DEPARTMENT
PLANNING & ZONING

Appeal of an Administrative Decision Request

Use this form to appeal any Administrative Decision or Notice of Violation - See Sec. 12.2.2 of the Zoning Ordinance.

SUBJECT LOCATION ADDRESS: 2-8 Hickok Place

Subject Property Owner: Diemer Apartments, LLC

Appellant: Diemer ~~Apartment~~ Apartments, LLC

Agent/Representative: Mike + Julie Diemer owner/manager

Mailing Address: 14 Bacon St. Suite 205

City, St, Zip: Burlington VT 05401

Day Phone: 802.951.2457 Email: diemerproperties@yahoo.com

Appellant Signature: [Signature] Date: 10/7/15

In order for your request to be considered complete, ALL of the following information must be provided, as applicable:

- ☐ The Appeal fee of \$250;
- ☐ Description of the decision under appeal;
- ☐ Description of the property subject to the appeal;
- ☐ Reference to the regulatory provisions applicable to the appeal;
- ☐ Relief requested by the appellant;
- ☐ Alleged grounds why such requested relief is believed proper under the circumstances.

Office Use Only:

Check No. 5263 Amount Paid 250. Zoning Permit # 16-0151DT

July 2012



Diemer Apartments, LLC
14 Bacon Street, Suite 205
Burlington, VT 05401

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OCT 08 2015

DEPARTMENT OF
PLANNING & ZONING

City of Burlington

Department of Planning & Zoning

149 Church Street

Burlington, VT 05401

October 7, 2015

RE: Appeal to Zoning Decision; 2-8 Hickok Place

Decision: Adverse: Stating we need additional documentation dating back to 1970.

Property Description: 8 Unit, Residential apartment building, containing 33 approved bedrooms.

Reference to Provisions:

- We maintain we have done nothing wrong.
- The City gave us clearance when we purchased the building.
- We have not changed the use of the building.
- The building was built in 1894 as an apartment/tenement house.
- We have provided a plethora of proof showing that the 5 & 6 bedrooms have been continuously used as rented bedrooms within the unit.

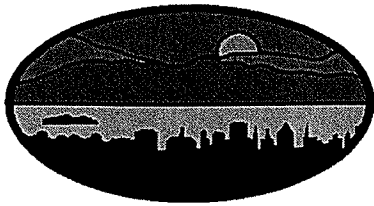
Relief Requested: Overturn /Grant Grandfathered status to 2B-4B-6B & 8B Hickok Place.

- Request that this decision be overturned.
- Request that 2-8 Hickok Place is given official Grandfathered status.
- Request that the City officially recognizes the building as having 8 dwelling units.

Thank you,

Richard M. & Jill M. Diemer, III

Diemer Apartments, LLC



ZONING DETERMINATION

ADVERSE

City of Burlington, Vermont
Department of Planning and Zoning

Application Date: 07/30/2015

Appeal Expiration Date: 10/15/2015

Project Location: 2-8 HICKOK PLACE

District:

Owner: Diemer Apartments LLC

Ward: 2C

Address: 14 BACON ST SUITE 205
BURLINGTON VT 05401

Tax ID: 044-4-165-000

Determination Type: Residential - Use - Existing

Determination Description:

Determination of five and six bedroom useage grandfathered at four living units.

Zoning Review #16-0151DT

Decision Type: Administrative

Decision: Adverse

See Determination Findings

Decision Date: September 30, 2015

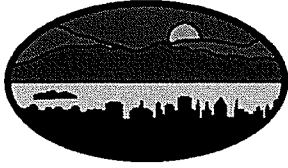
Zoning Administrative Officer

An interested person may appeal a decision of the Zoning Administrator to the Development Review Board until 4 pm on October 15, 2015.

Fee Type	Amount	Paid in Full	Balance Due: \$0.00
Application Fee:	\$80.00	Yes	Date Paid: _____ Check # _____

Building Permit Required: **No**

Permit Received By: _____ Date: _____



City of
Burlington, Vermont
149 Church Street

Zoning Determination – Findings

ZP #: 16-0151DT

Tax ID: 044-4-165-000

Issue Date: September 30, 2015

Decision: Adverse

Property Address: 2-8 HICKOK PLACE

Description: Request for a grandfathering determination of five and six bedroom usage within four living units at the property.

This determination is in regard to the above-referenced property, specifically your request that the City of Burlington recognize 5 & 6-bedroom usage (5 & 6 person occupancy) of units 2B, 4B, 6B and 8B as grandfathered (legally pre-existing non-conformities). The City reviewed the following documents/evidence to form its determination:

- The City's zoning permit records
- The City's property assessment records
- The City's rental registration records
- Code Enforcement zoning compliance memo
- Affidavits of
 - Richard M. Diemer and Jill M. Diemer
 - Vincent A. Paradis
 - John F. Shea, Jr.
- The City's determination regarding onsite parking
- Floor plans of the residence
- State of Vermont wastewater permit records
- *In re: Appeal of John Mentas*, Docket No. 132-6-00 Vtec (Vt. Env'tl. Div. October 22, 2001 and May 10, 2002)
- Burlington zoning regulations including, but not limited to, the following versions: 2008 Comprehensive Development Ordinance and as amended, ZA #2000-01 Residential Districts Established passed November 22, 2000, Burlington Zoning Ordinance approved December 21, 1970

Based on the review of these items, it is the determination of the Planning and Zoning Department that insufficient evidence has been provided to grandfather 5 & 6-bedroom occupancy of the subject dwelling units. Grandfathered or pre-existing legal non-conformities pertain to lots/parcels/structures/uses that are non-compliant with a current zoning regulation, but were compliant prior to a change in the regulations. While Sec. 4.4.5 (d) 5, C, *Residential Occupancy Limits*, was approved in November 2000, pursuant to *In re: Appeal of John Mentas*, Docket No. 132-6-00 Vtec (Vt. Env'tl. Div. October 22, 2001 and May 10, 2002), the city's zoning ordinance in effect prior to the November 2000 amendment prohibited occupancy of dwelling units as "group quarters". The case found "shared student housing" to be "group quarters". The inclusion of the "group quarters" exclusion can be found in the Burlington Zoning Ordinance starting in 1970 (Burlington Zoning Ordinance approved December 21, 1970). As such, evidence would need to be provided that

the occupancy of the requested units was 5 and 6 unrelated persons prior to December 21, 1970 and has continued as such. Such evidence was not provided and therefore, the grandfathering determination request must be DENIED.



Department of Planning and Zoning

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JUL 30 2015

DEPARTMENT OF
PLANNING & ZONING

Zoning Permit Application

Use this form for ALL zoning permit applications. See the relevant checklist for specific requirements.

PROJECT LOCATION ADDRESS: 2-4-6-8 Hickok Place Burlington, VT 05401

PROPERTY OWNER*: Diemer Apartments, LLC

APPLICANT: Same

*If condominium unit, written approval from the Association is also required

POSTAL ADDRESS: 14 Bacon St.

POSTAL ADDRESS: _____

CITY, ST, ZIP: Burlington, VT 05401

CITY, ST, ZIP: Same

DAY PHONE: 802 951 2457

DAY PHONE: _____

EMAIL: diemerproperties@yahoo.com

EMAIL: _____

SIGNATURE: [Signature]

SIGNATURE: _____

I am the owner. In addition, I duly authorize the applicant (if noted) to act on my behalf for all matters pertaining to this zoning permit application.

Description of Proposed Project: GRANDFATHERED
Determination of 5th bedroom usage
at 2B 4B 6B 8B Hickok Place

Existing Use of Property: ☐ Single Family ☒ Multi Family: # 8 Units ☐ Other: _____

Proposed Use of Property: ☐ Single Family ☐ Multi Family: # _____ Units ☐ Other: _____

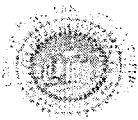
- Does your project involve new construction, addition, alteration, renovation, or repair to a structure that is heated or cooled? Yes ☐ No ☒
- Will 400 sq ft or more of land be disturbed, exposed and/or developed? Yes ☐ No ☒
- For Single Family & Duplex, will total impervious area be 2500 sq ft or more? Yes ☐ No ☒
- Are you proposing any work within or above the public right of way? Yes ☐ No ☒

Estimated Construction Cost (value)*: \$ 0

(*Estimated cost a typical contractor would charge for all materials and labor, regardless of who physically completes the work)

Within 30 days of submission, the permit application will be reviewed for completeness, and, if complete, will be processed administratively or referred to a board for review. All permit approvals or denials are subject to an appeal period (15 days for administrative permit; 30 days for board permit). A building (and/or electrical, mechanical, plumbing, curb cut) permit will also be required. Contact the Department of Public Works at 802-863-9094 to inquire. Please ask for assistance if you have any questions about filling out this form. Call the Planning and Zoning at 802-865-7188, or visit the office in the lower level of City Hall, 149 Church Street.

Office Use Only: Zone: Rm Eligible for Design Review? Y Age of House 16 Yr Lot Size 5082
Type: SN AW FC BA COA 1 COA 2 COA 3 CU MA VR HO SP DT MP
Check No. 5027 Amount Paid \$80 Zoning Permit # 14-0151DT



RENTAL UNIT REGISTRATION APPLICATION



Page 1 of 2

Required Information:

In Compliance with Chapter 18 of the City of Burlington Code of Ordinances, residential rental-property owners are required to submit this form with related documents and fees by April 1 of each year.

- Rental registration information provides vital information for public safety and welfare, and your cooperation is appreciated. Please see accompanying letter and instructions regarding REQUIRED information.
- If any information has changed, please note the updated information on this form.
- Note: If you have sold your residential rental property, return form with name and address of new owner.

People Information:

Owner Diemer Apartments LLC *(Richard m. Diemer, II)*

Address: ~~83 NORTH UNION STREET~~ P.O. Box 64678

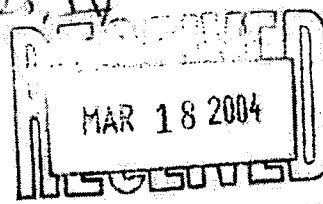
City, State, Zip BURLINGTON VT 05406-4678 ✓

Phone: 951-2457 Other Phone: _____

E-Mail: _____

Is owner/principal party on active military duty or expect to be active in the next 12 months?
Circle One YES ☒ NO

Date of Birth 6/28/68 REQUIRED



Owner DIEMER APARTMENTS LLC *, Richard m. Diemer, II*

Address: P.O. BOX 64678

City, State, Zip BURLINGTON VT 05406-4678

Phone: (802) 951-2457 Other Phone: _____

E-Mail: _____

Is owner/principal party on active military duty or expect to be active in the next 12 months?
Circle One YES ☒ NO

Date of Birth 6/28/68 REQUIRED

LOADED

APR 15 2004

INIT

Property Manager

Jill Diemer

Address: P.O. Box 64678

City, State, Zip Burlington VT 05406-4678

Phone: (802) 951-2457 Other Phone: _____

E-Mail: _____

*Signature
Page is
Missing*

1-3-05

** Please
NOTE
ZIP code*

*1-3-05
BB*

City of Burlington Rental Registration Property Information Sheet

The Following information is required by law. Please review the below information regarding your rental units and correct the information as needed.

PROPERTY LOCATION: 2-8 HICKOK PL									
Unit	Exempt?	# Bedrooms	# Residents	# Family	# Unrelated	Functional Family	# Parking	# Vehicles	Accessibility?
2A		1	2	0	0		1	1	
2B		6	6	0	5		3	3	
4A		1	1	0	0		0	0	
4B		5	5	0	5		3	3	
6A		1	2	0	0		1	1	
6B		5	5	0	5		3	3	
8A		1	1	0	0		1	0	
8B		5	5	0	5		3	3	



LOADED
RENTAL UNIT REGISTRATION
APPLICATION

JUL 25 2003

INIT _____



1. **Required Information.** In compliance with Chapter 18 of the City of Burlington Code of Ordinances, residential rental-property owners are required to submit this form with related documents and fees by April 1 of each year.
 - Rental-registration information provides vital information for public safety and welfare, and your cooperation is appreciated. **Please see accompanying notification packet for important information.**
 - Note: If you have sold your residential rental property, return form with name and address of new owner.
2. **Owner Information** (if corporation attach information for president and registered agent; if partnership attach for registered agent & general partners): **REQUIRED**
 - a) Name: DIEMER APARTMENTS, LLC
 - b) Street Address: PO BOX 164678
 - c) City, State, Zip Burlington VT 05406 Day Phone: 951-2457 Email: _____
 - d) Is owner/principal party on active military duty or expect to be active in the next 12 months?
Circle one (required): Yes ☐ No ☒
 - e) Date of Birth _____ (required unless corporation/partnership) **REQUIRED**
3. **Local Manager** (must be located in Chittenden County Vermont and be either owner, or an agent authorized to represent owner for compliance matters): **REQUIRED**
 - a) Name: Mike + Jill Diemer
 - b) Street Address: PO BOX 164678
 - c) City, State, Zip Burlington Day Phone: 951-2457 Email: _____
4. **"Service of Process" Contact** (owners who do not live in Chittenden County must designate agent for receipt of legal documents; can be same as local manager) **REQUIRED**
 - a) Name: same
 - b) Street Address: _____
 - c) City, State, Zip _____ Day Phone: _____ Email: _____
 - d) Is owner/agent on active military duty or expect to be active in the next 12 months?
Circle one (required): Yes ☐ No ☐
 - e) Date of Birth _____ (required)
5. **Emergency Contact** (all properties must have designated emergency contact person within Chittenden County Vermont; may be local manager or service of process contact) **REQUIRED**
 - a) Name: same
 - b) Street Address: _____
 - c) City, State, Zip _____ Day Phone: _____ Evening Phone: _____
6. **List residential rental properties and also fill out an attached property information sheet for each rental property (attach added sheets if necessary):** **REQUIRED**
 - a) _____
 - b) _____
 - c) _____
 - d) _____
 - e) _____
 - f) others: _____
7. **Total number of residential UNITS** for above properties: 8
8. **Total UNITS X \$50/unit =** _____ **TOTAL FEE DUE.**
9. **Submit this form and property information sheets with check made payable to: City of Burlington DPW, and return to Code Enforcement Office, P.O. Box 878, Burlington VT 05402. If you make payment after April 1, you will owe a \$13.00 late fee and simple interest of 1% per month on the total owed for each separate property (not each individual rental unit).**
10. **I HAVE READ AND UNDERSTAND THE ATTACHED REGISTRATION INFORMATION AND OWNER'S RESPONSIBILITIES. I UNDERSTAND THAT THIS FORM MUST BE COMPLETED AS REQUIRED BY LOCAL REGULATIONS.**

Legible Owner/Agent signature: Wm Diemer

Date: _____

OVER →

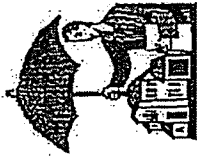
JUL 21 2003

PROPERTY INFORMATION SHEET- PLEASE USE SEPARATE SHEET FOR EACH PROPERTY.

The following information is required by law. Please list your residential rental property with unit information below. If you own multiple properties, make separate copy of information sheet for each rental property.

ENTER PROPERTY ADDRESS HERE: 2-8 Hickok Place

Burlington, VT 05406



FILL IN INFORMATION FOR EACH UNIT AS FOLLOWS:

LIST EACH UNIT # (OR LETTER) ON LINES BELOW ↓	Rental Unit?	Fee exempt?	#Bedrooms	#Residents	#Families	#Unrelated	Functional Family?	#Parking Spaces	#Vehicles	Accessibility
	Indicate if not rental unit. If not insert "N".	Indicate if fee exemption claimed (per information page). If yes, insert "Y".	Enter maximum number of bedrooms.	Enter maximum number of residents.	Enter maximum number of families (Insert number if more than 1).	Enter maximum number of unrelated adults if more than 4.	If number of unrelated adults is more than 4, is functional family claimed? If yes, insert "Y".	Enter maximum number of on-site parking spaces.	Enter maximum number of vehicles used by residents.	Is the unit accessible to persons with disabilities? (Optional; to assist disabled citizens). If yes, insert "Y".
2A	X		1	2				1	1	
2B			6	6		6		2-3	2-3	
4A			1	2				0	0	
4B			5	5		5		2-3	3	
6A			1	2				0	0	
6B			5	5		5		2-3	3	
8A			1	2				1	1	
8B			5	5		5		2-3	3	

↑ depends on size of unit



13548

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handed - 5/20/10

GCA

RENTAL UNIT REGISTRATION APPLICATION



- Required Information.** In compliance with Chapter 18 of the City of Burlington Code of Ordinances, residential rental-property owners are required to submit this form with related documents and fees by April 1 of each year.
 - Rental registration information provides vital information for public safety and welfare, and your cooperation is appreciated. Please see accompanying notification packet for important information.
 - Note: If you have sold your residential rental property, return form with name and address of new owner.
- Owner Information** (if corporation attach information for president and registered agent; if partnership attach for registered agent & general partners): **REQUIRED**

a) Name: LABRIE + PARADIS
 b) Street Address: P.O. Box 235
 c) City, State, Zip: Essex Jct VT 05453 Day Phone: 985-4154 Email: _____
 d) Is owner/principal party on active military duty or expect to be active in the next 12 months?
 Circle one (required): Yes ☐ No ☒

- e) Date of Birth: N/A (required unless corporation/partnership) **REQUIRED**
- Local Manager** (must be located in Chittenden County Vermont and be either owner, or an agent authorized to represent owner for compliance matters): **REQUIRED**

a) Name: DAVID LABRIE
 b) Street Address: 7892 Spear Street
 c) City, State, Zip: Shelburne, VT 05482 Day Phone: 985-4154 Email: _____

- "Service of Process" Contact** (owners who do not live in Chittenden County must designate agent for receipt of legal documents; can be same as local manager) **REQUIRED**

a) Name: Vincent A PARADIS
 b) Street Address: 40 ALPINE DRIVE
 c) City, State, Zip: JERICHO, VT 05465 Day Phone: 899-2936 Email: _____
 d) Is owner/agent on active military duty or expect to be active in the next 12 months?
 Circle one (required): Yes ☐ No ☒

- e) Date of Birth: over 21 (required)
- Emergency Contact** (all properties must have designated emergency contact person within Chittenden County Vermont; may be local manager or service of process contact) **REQUIRED**

a) Name: DAVID LABRIE
 b) Street Address: 7892 Spear Street
 c) City, State, Zip: Shelburne VT Day Phone: 985-4154 Evening Phone: _____

- List residential rental properties and also fill out an attached property information sheet for each rental property (attach added sheets if necessary):** **REQUIRED**

a) 66 Murray Street ✓
 b) 16 Green Street ✓
 c) 155 North Street ✓
 d) 97-99 Bell Street ✓
 e) 35 North Wilmanski Ave ✓
 f) others: 155 maple street ✓
2-8 Hickok place
21-23 Hayward St
3-5 Spruce St ✓

- Total number of residential UNITS for above properties: 53
- Total UNITS X \$50/unit = 2650 TOTAL FEE DUE.

- Submit this form and property information sheets with check made payable to: City of Burlington DPW, and return to Code Enforcement Office, P.O. Box 878, Burlington VT 05402. If you make payment after April 1, you will owe a \$13.00 late fee and simple interest of 1% per month on the total owed for each separate property (not each individual rental unit).

- I HAVE READ AND UNDERSTAND THE ATTACHED REGISTRATION INFORMATION AND OWNER'S RESPONSIBILITIES. I UNDERSTAND THAT THIS FORM MUST BE COMPLETED AS REQUIRED BY LOCAL REGULATIONS.**

Legible Owner/Agent signature: [Signature]

Date: 3/10/02

OVER →

MAR 14 2002

ENTER PROPERTY ADDRESS HERE: 3728 E. 8th

ENTER PROPERTY ADDRESS HERE: 2768 Hickok Pl.
AUTHORIZED SIGNATURE AND DATE: [Signature] 2/25

25/3/22



FILL IN INFORMATION FOR EACH UNIT AS FOLLOWS:

[illegible]

entered 7/6/01 -CO

13548



RENTAL UNIT REGISTRATION APPLICATION



1. **Required Information.** In compliance with Chapter 18 of the City of Burlington Code of Ordinances, residential rental-property owners are required to submit this form with related documents and fees by April 1 of each year.

- Rental registration information provides vital information for public safety and welfare, and your cooperation is appreciated. **Please see accompanying notification packet for important information.**
- Note: If you have sold your residential rental property, return form with name and address of new owner.

2. **Owner Information** (if corporation attach information for president and registered agent; if partnership attach for registered agent & general partners):

- a) Name: LABRIE i PARADIS
b) Street Address: P O Box 235
c) City, State, Zip Essex Junction VT 05453 Phone: 985-4154 Email: _____
d) Is owner/principal party on active military duty or expect to be active in the next 12 months?
Circle one (required): Yes ☐ No ☒
e) Date of Birth N/A (required unless corporation/partnership)
f) Driver's License Number and State N/A (required unless corporation/partnership)

3. **Local Manager** (must be located in Chittenden County Vermont and be either owner, or an agent authorized to represent owner for compliance matters):

- a) Name: DAVID LABRIE
b) Street Address: 7892 Spruce Street
c) City, State, Zip Shelburne, VT Phone: 985-4154 Email: _____

4. **"Service of Process" Contact** (owners who do not live in Chittenden County must designate agent for receipt of legal documents; can be same as local manager)

- a) Name: Vincent A PARADIS
b) Street Address: 70 Alpine Drive
c) City, State, Zip Truette, Vermont Phone: 899-2936 Email: _____
d) Is owner/agent on active military duty or expect to be active in the next 12 months?
Circle one (required): Yes ☐ No ☒

e) Date of Birth over 21 (required) Driver's License Number and State Vermont (required)

5. **Emergency Contact** (all properties must have designated emergency contact person within Chittenden County Vermont; may be local manager or service of process contact)

- a) Name: DAVID LABRIE
b) Street Address: 7892 Spruce Street
c) City, State, Zip Shelburne, VT Phone: 985-4154 Email: _____

6. **List residential rental properties and also fill out an attached property information sheet for each rental property (attach added sheets if necessary):**

- | | | |
|--------------------------------|--|----------------------------|
| a) <u>66 Murray Street BUR</u> | b) <u>2-8 Hickok Place BUR</u> | <u>3 Spruce Street BUR</u> |
| c) <u>155 North Street BUR</u> | d) <u>16 Green Street BUR</u> | |
| e) <u>35 W. Main Ave BUR</u> | f) <u>97-99 Birch Street BUR</u> | <u>21 Hazard St</u> |
| | g) others: <u>155 maple Street BUR</u> | <u>BUR</u> |

7. **Total number of residential UNITS** for above properties: 53

8. **Total UNITS requiring fee** X \$50/unit = 2650 **TOTAL FEE DUE.**

9. **Submit this form and property information sheets with check made payable to: City of Burlington DPW, and return to Code Enforcement Office, P.O. Box 878, Burlington VT 05402. If you make payment after April 1, you will owe a \$13.00 late fee and simple interest of 1% per month on the total owed for each separate property (not each individual rental unit).**

10. **I HAVE READ AND UNDERSTAND THE ATTACHED REGISTRATION INFORMATION AND OWNER'S RESPONSIBILITIES. I UNDERSTAND THAT THIS FORM MUST BE COMPLETED AS REQUIRED BY LOCAL REGULATIONS.**

Legible Owner/Agent signature: [Signature] Date: 4/1/01

PROPERTY INFORMATION SHEET: USE SEPARATE SHEET FOR EACH PROPERTY.

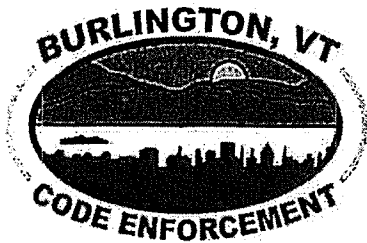
The following information is required by law. Please list your residential rental property with unit information below. If you own multiple properties, make separate copy of information sheet for each rental property.

ENTER PROPERTY ADDRESS HERE: 2708 Hickock Pl.

AUTHORIZED SIGNATURE AND DATE: [Signature] 3/20/01



LIST EACH UNIT # (OR LETTER) ON LINES BELOW	FILL IN INFORMATION FOR EACH UNIT AS FOLLOWS:									
	Rental Unit	Fee Exemption	Bedrooms	Maximum number of residents	Maximum number of families (Insert number if more than 4)	Maximum number of unrelated adults (more than 4)	Maximum number of unrelated adults (more than 4) is functional family? If yes, insert "Y"	Maximum number of parking spaces	Maximum number of vehicles used by residents	Accessibility
3A	Indicate if rental unit, if not insert "N"	Indicate if fee exemption claimed (or information provided, if yes, insert "Y")	Enter maximum number of bedrooms	Enter maximum number of residents	Enter maximum number of families (Insert number if more than 4)	Enter maximum number of unrelated adults (more than 4)	Enter maximum number of unrelated adults (more than 4) is functional family? If yes, insert "Y"	Enter maximum number of parking spaces	Enter maximum number of vehicles used by residents	If the unit is accessible to persons with disabilities? (Optional: to assist disabled citizens). If yes, insert "Y"
3B			1	2				1	1	
4A			6	6		6		3	3	
4B			1	2				0	0	
6A			3	5		3		3	3	
6B			1	2				1	1	
8A			5	3		5		3	3	
9B			1	2				1	1	
9C			3	5		5		3	3	



City of Burlington Vermont
Code Enforcement
645 Pine Street
Burlington, VT 05401
PHONE: (802) 863-0442
FAX: (802) 652-4221

**2007 Account Statement
Owner Reference File 140808**

Diemer Apartments LLC
Richard M. Diemer, ■
P. O. Box 64678
Burlington VT 05406-4678

APR 06 2007

Summary of Charges	Amount Due
2007 Rental Registration Fee	600.00
See reverse side for detail of charges	
Total Amount Due by April 2, 2007	\$600.00

Submit this form and completed owner registration information sheets with check for the amount stated on the 2007 Account Statement, made payable to:

Burlington Code Enforcement
645 Pine Street
Burlington, VT 05401

If we do not receive your payment within 30 days, you will owe a \$13.00 per property late fee.

I HAVE READ AND UNDERSTAND THE ATTACHED REGISTRATION INFORMATION AND INSTRUCTION SHEETS. THE INFORMATION PROVIDED IS TRUE AS OF THE DATE OF FILING AND I UNDERSTAND THAT I MUST SUPPLEMENT THE INFORMATION IMMEDIATELY IF IT CHANGES.

Authorized Owner / Agent Signature: Richard M. Diemer

Date: 4/2/07

Owner Reference File 140808

RENTAL HOUSING REGISTRATION FORM 1996

****PLEASE READ INFORMATION ON BACK OF FORM****

In compliance with Chapter 18, City of Burlington, Code of Ordinances requiring the registration of rental properties, please answer the following questions **completely** and return to **Burlington Public Works Dept., Attn: Minimum Housing Program, P.O. Box 878, Burlington, VT 05402** by **April 1, 1996** with check payable to: **City of Burlington.**

☐ **CHECK IF BELOW LISTED PROPERTY HAS BEEN SOLD, STOP HERE AND RETURN FORM.**

1. 2-8 Hickok Place, Burlington 05401
Address of Rental Property
2. DAVID C. LABRIE
Owner Name
3. 985-4154
Owner Telephone Number
4. Box 235
Street Address of Owner
5. Essex Junction 05403
City, State, and Zip
6. N/A
Name of Manager (if different from Owner)
7. _____
Telephone Number of Manager
8. N/A
Street Address of Manager
9. _____
City, State, and Zip of Manager
10. N/A
Name of Emergency Contact (if different from manager or owner)
11. _____
Telephone Number of Emergency Contact
12. N/A
Street Address of Emergency Contact
13. _____
City, State, and Zip of Emergency Contact
14. _____
Name of person designated for Service of Process.
(Required if you live out of State. This person is responsible for receipt of legal documents in your absence.)
15. _____
Address of person designated for Service of Process

RENTAL HOUSING REGISTRATION FEE

The property listed above is owned by me, and contains:

16. 8 Number of Residential Units at property location
17. 0 Number of Units claimed as exempt from the registration fee.
18. 8 Total non-exempt units x \$25.00 per unit = 200.00
(line 16 minus line 17) Amount Enclosed

MAIL

TO: LABRIE DAVID C &
VINCENT A PARADIS
P O BOX 235
ESSEX JCT, VT 05452

2
Signature of Owner or Agent

OK 1153
3/19/96
(9)

AFFIDAVIT

TO WHOM IT MAY CONCERN:

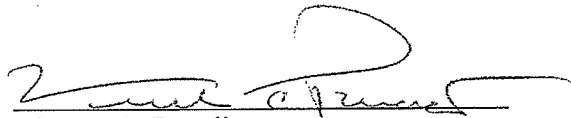
I, Vincent A. Paradis, hereby state as follows:

1. That David C. LaBrie and I were the owners of property known and designated as 2-4-6-8 Hickok Place in the City of Burlington from March 10, 1986, until May 2, 2003.

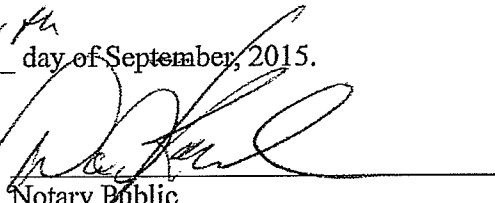
2. During our ownership of the property, the building contained eight (8) separate units with a combined total of 25 bedrooms. The eight units consisted of four one bedroom units and the following:

- One unit containing 6 bedrooms, which was continuously rented by 6 individuals;
- Three units containing 5 bedrooms, each of which were continuously rented by 5 individuals; and

Dated this 16th day of September, 2015.


Vincent A. Paradis

Sworn and subscribed to before me this 16th day of September, 2015.


Notary Public
My Commission Expires: 2/10/2019

Scott Gustin

From: Diemer Properties <diemerproperties@yahoo.com>
Sent: Monday, September 14, 2015 2:28 PM
To: Scott Gustin
Subject: 2-8 Hickok

Hi Scott,

Just to follow up on our meeting and the two items that you asked me to look into.

1. I checked with BPW regarding building permits for 2-8 Hickok Place and I sent you one of the 1986 items last week.

2. I spoke with Gail Champnois from UVM's office of community relations. She said it is next to impossible to get the number of people who lived in an off campus from 2000 or before. She said that presently they are working getting on better records for off campus housing students but they are still not good at all. Most students will only give their permanent home address.

Vince Paradis will be in the office on Wed. and will have his affidavit notarized. It will state the continuous use of the 5 & 6 bedrooms (by individuals) prior to our purchase in 2003 as well as before 2000. Do you need the original or may I have them fax it to you directly?

Thanks, Jill Diemer

Scott Gustin

From: Diemer Properties <diemerproperties@yahoo.com>
Sent: Friday, September 11, 2015 12:31 PM
To: Scott Gustin
Subject: Fw: Scanned Image
Attachments: doc032395.pdf

Hi Scott,

Here is a building permit from 1986. It shows putting an old kitchen back in the 2nd floor.

My guess is this is for the 6 bedroom unit #2B.

I have a lease from 2A dating back to 1993 for the one bedroom so this would make sense that the 6 bedroom was adjusted in 1986. It matches the building blue prints from 6/9/1986.

Thanks, Jill

On Friday, September 11, 2015 11:28 AM, Holly Lane <hlane@burlingtonvt.gov> wrote:

-----Original Message-----

From: scanner@burlingtonvt.gov [mailto:scanner@burlingtonvt.gov]

Sent: Friday, September 11, 2015 11:08 AM

To: Holly Lane

Subject: Scanned Image

TASKalfa 5551ci
[00:c0:ee:3e:8e:18]

Search Edit View Reports Window Help

File Edit View Reports Window Help

Print Screen

Folder Property (1) People (2) Info (4) Fee/Charge Process Document Inspection Req Comment Attachment

Folder #	F	Gen	Yr	Sequence	Sec	Rev	Type	Status
1986 000326 000 00	EP	4485						
1986 010767 000 00	PP	4553						
1986 010791 000 00	PP	4648						
1986 017261 000 00	BP	4362						
1986 017422 000 00	BP	4781						
1986 017450 000 00	BP	4821						
1986 017495 000 00	BP	4984						
1986 017510 000 00	BP	4485						
1989 001826 000 00	EP	11420						
2003 003575 000 00	RR	14080						
2003 042975 000 00	QC							
2004 103353 000 00	RB	14080						
2004 110154 000 00	BP							
2005 102187 000 00	RB	14080						
2005 117956 000 00	RI							
2006 102345 000 00	RB	14080						
2006 104727 000 00	EP							
2006 108398 000 00	MH							
2007 102049 000 00	RB	14080						
2007 120646 000 00	EP							
2007 126671 000 00	EP							
2008 130569 000 00	RB	14080						
2009 102395 000 00	RB	14080						

Number: 86 017510 000 00 BP Building Permit Status: Closed

Property: House Paver Street Type Direction Unit Type Unit

Address: 2-8 Hickok Place

City: Burlington Zip: 05401 Parcel ID: 044-4-165-000 Property Row ID: 5483

Location: 044-4-165-000 Folder Unit:

Indicators: Violations Properties Parent Child Due: \$0.00

In Date: Aug 4, 1986 Issue/Approval: Aug 4, 1986 Expires:

Reference File # 5029 By: Final Date: Mar 28, 1988

Sub: Historic Permit Work Proposed: Historic Permit

Name: 2-8 HICKOK PL Priority:

Description: Fire Rate Hallway - Put kitchen back into 2nd floor

Conditions:

Group: Construction Permits Parent ID: Row ID: 17510

List View Related View Copy Create Child Revise Issue/Approve Print Re-Default Summary

Show no. of rows on tabs

40 Rows Returned

CONDITIONS OF PERMIT: All work performed by the applicant shall comply with the codes and ordinances of the City of Burlington. This permit authorizes the applicant to proceed with the work described above in accordance with these codes. This permit shall not be construed as authority to violate, cancel or set aside any of the provisions of the codes. The applicant must contact the department to schedule inspections of the work and obtain final project approval.

APPLICANT SIGNATURE: _____

LICENSE #: _____

Ready



11:06 AM 9/11/2015

Inspector _____

Date _____

Diemer Apartments, LLC

14 Bacon ST Suite 205

Burlington, VT 05401

September 9, 2015

Scott Gustin

City of Burlington Zoning Dept.

City Hall Church St

Burlington, VT 05401

Affidavit

We Richard M Diemer, II and Jill M Diemer dba Diemer Apartments, LLC ,

hereby swear that the following is true.

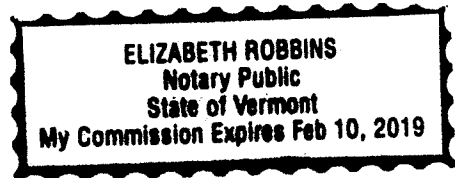
1. In 2003 we purchased 2-8 Hickok Place Burlington VT, as an 8 unit building. We purchased this with confidence and clear title based on the clearance letter from Zoning Specialist, Jeanne Francis and with recognition of the building being 8 approved rental units from then Code Chief Code Enforcement Officer, Ray O'Connor. Ms. Francis confirmed, in writing, that after her personal search of all city records there were no past or present code or zoning violations.
2. We have never received a zoning violation from the City of Burlington during our ownership.
3. We were given a copy of the City of Burlington's "Certificate of Compliance" for 8 units at 2-8 Hickok Place dated 3/19/03 from the previous owners, Labrie and Paradis.
4. From date of purchase until the present, we have always had and or received our "Certificate of Compliance" from Burlington Code Enforcement for 2-8 Hickok Place. It was always noted as an 8 unit rental property. For Burlington Code Inspections, the inspector has always gone through the entire building viewing the occupancy of all of the bedrooms (none have been empty).
5. We have always paid our yearly Code Enforcement dues based on 8 units.
6. Prior to our purchase in 2003, we have Labrie & Paradis leases/documents showing that five and six individuals were living in 2B-(6 bedroom) 4B (5bedroom)-6B (5bedroom)-8B (5bedroom) Hickok Place.
7. We have original leases dating back to our purchase date in 2003 to 2015 showing continuous use of the 5 & 6 bedroom units and as having 5 and 6 individuals living in them.
8. We have a copy of our rental registration from 2004 showing 5 & 6 individuals were residing in 2B-4B-6B-8B Hickok Place.
9. All of our onsite parking is grandfathered per the City of Burlington.

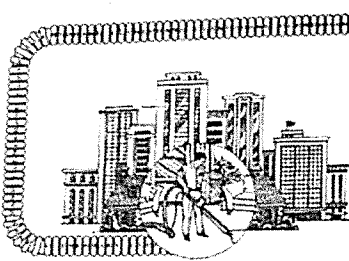
10. We have the original blue prints dating back to 6/9/1986 showing 8 units and 33 bedrooms which have been approved by the State of Vermont.
11. Every year since our purchase of 2-8 Hickok Place, as a condition of our mortgage, we have been required to submit our entire "rent roll" to TD Bank , 110 Main ST Burlington VT. These rent rolls show first names of individual residents and/or the addresses and rental amounts we receive from each unit. Again, substantiating the 5 and 6 individuals continuously living in 2B-4B-6B-8B Hickok Place.

Richard M Diemer, II Richard M. Diemer owner member
Jill M Diemer Jill M Diemer owner, manager

Sworn and subscribed to before me this 10th day of September, 2015.

Notary Public Elizabeth Robbins
My Commission expires 2-10-2019





Champlain Carpet Cleaning Inc.

133 Blakely Road, Suite 204
Colchester, Vermont 05446
802-879-1839 • 802-860-2849

Affidavit

The Bane-Clene Way
Approved by leading carpet makers

July 29, 2015

To Whom It May Concern,

Champlain Carpet Cleaning Inc. has been all the cleaning the carpets in 2-8 Hickok Place Burlington, VT, for Diemer Apartments LLC, since May 29, 2009.

Diemer Apartments have the carpets cleaned every time/every year someone moves out so I am very familiar with the building.

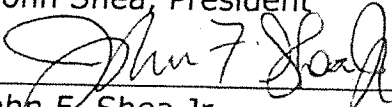
The first invoice for the 5 & 6 bedroom apartments dates back to May 29, 2009. 4B Hickok Place invoice #2900252, 2B Hickok Place invoice 2900254. May 30, 2009, 6B Hickok Place invoice #2900260, 8B Hickok Place invoice #2900261. I have reprinted these invoice's for your convenience.


The configuration of the units were/are:

2B - 6 bedroom unit, **4B**-5 bedroom unit, **6B**- 5 bedroom, **8B** -5 Bedroom

My company most recently cleaned every unit in the building (except 6A & 8B) in May of 2015. All the unit configurations were the same in 2015 as they were in 2009.

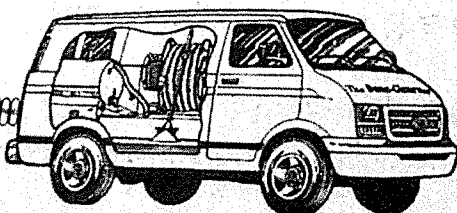
Thank you,
John Shea, President


John F. Shea Jr.


Nancy Randall

Notary Public My commission expires 2/10/19

REC'D
AUG - 6 2015
DEPARTMENT
PLANNING



www.baneclene.com
Setting the standard since 1962
© Bane-Clene Corp., 1999

Call 'Us' On The Carpet®
For Expert Services Featuring "External Extraction"™



"Network of Excellence"™
Certification No. 801116

Auzelina Triebel # 802-399-6005

290 Hinesburg Road~ S. Burlington, VT 05401

Affidavit

July 28, 2015

To Whom It May Concern,

In 2003, Mike and Jill Diemer, Diemer Apartments, LLC purchased 2-8 Hickok Place in Burlington, VT.

Since I was already cleaning their rental properties they asked if I could clean this property as well (when needed). The first time that I and / or my team cleaned it was during apartment turnover in May/June of 2004. The units were:

2A- 1-2 bedrooms and 1 bathroom /kitchen /living room/ den

2B - 6 bedroom- 2 showers/ kitchen/ living room /porch

4A- 1-2 bedrooms 1 bathroom/kitchen living room /den

4B- 5 bedroom 2 bathrooms/ kitchen/ living room /porch

6A- 1-2 bedrooms 1bathroom/kitchen /living room /den

6B- 5 bedrooms 2 bathrooms /kitchen/living room/ porch

8A- 1-2 bedrooms 1 bathroom/ kitchen/ living room /den

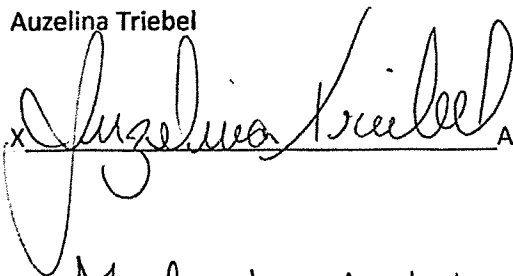
8B -5 Bedrooms 2 showers/ kitchen/ living room/porch

1 laundry room

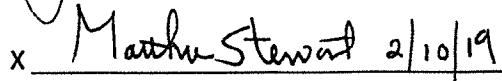
I most recently cleaned in this building in May/June of 2015 and the units were the same.

Thank you,

Auzelina Triebel

x 

Auzelina Triebel

x  2/10/19

Notary Republic of Vermont

RECEIVED
JUL 30 2015
DEPARTMENT OF
PLANNING & ZONING



AFFIDAVIT

TO WHOM IT MAY CONCERN:


I, Vincent A. Paradis, hereby state as follows:

1. That David C. LaBrie and I were the owners of property known and designated as 2-4-6-8 Hickok Place in the City of Burlington from March 10, 1986, until May 2, 2003.

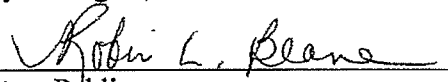
2. During our ownership until we sold the property in May of 2003, the building contained eight (8) separate units with a combined total of 25 bedrooms. The eight units consisted of:

- One unit containing 6 bedrooms
- Three units containing 5 bedrooms
- Four units containing 1 bedroom

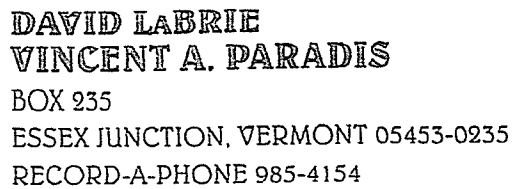
Dated this 5th day of August, 2015.


Vincent A. Paradis

Sworn and subscribed to before me this 5th day of August, 2015.


Notary Public
My Commission Expires: 2/10/2019

RECEIVED
AUG - 6 2015
DEPARTMENT OF
PLANNING & ZONING



DAVE LABRIE

STATE OF VERMONT
CHITTENDEN COUNTY, SS.

AFFIDAVIT

NOW COMES David C. Labrie and Vincent A. Paradis and hereby state under oath as follows:

1. We are the owners of those lands and premises known and designated as 2, 4, 6, 8 Hickok Place, Burlington, Vermont.

2. This property was conveyed to us by Russell Fellows by Warranty Deed dated March 10, 1986.

3. It is our understanding that prior to our purchase of this property parking of motor vehicles has occurred in the area in front of 2, 4, 6, 8 Hickok Place, Burlington, Vermont, for over fifty (50) years. Reference is made to Exhibits A & B attached hereto.

4. The City of Burlington recognized this parking area on April 23, 1990, by the issuance of a "curb cut" permit, a copy of which is attached hereto as Exhibit "C".

5. This "grandfathered use" was confirmed by a letter of Stephen Znamicrowski dated November 1, 1990, a copy of which is attached hereto as Exhibit "D".

6. The parking area to which these curb cut permits apply is shown on the plan of land attached hereto as Exhibit "E".

Dated at Essex Junction, Vermont, this 27th day of March, 2003.


David C. Labrie


Vincent A. Paradis

Sworn and subscribed to before me this 27th day of March, 2003.


Jennifer L. Goodman
Notary Public

My Commission Expires: 2/10/07

RECEIVED
JUL 30 2015

DEPARTMENT OF
PLANNING & CONSTRUCTION



Diemer Apartments, LLC

14 Bacon St, Suite 205~ Burlington, VT 05401

July 25, 2015

To whom it may concern,

I, Jill M Diemer, confirm that Diemer Apartments, LLC purchased 2A, 2B, 4A, 4B, 6A, 6B, 8A, 8B Hickok Place in 2003.

We were told by the previous owners (David Labrie and Vince Paradis) that the breakdown of rental units during their ownership (approximately twenty years) was as follows:

2A – One to 2 bedrooms

4A - One to 2 bedrooms

6A -One to two bedroom

8A- One to two bedrooms

2B- Six bedrooms

4B - Five bedrooms

6B - Five bedrooms

8B- Five bedrooms

Since Diemer Apartments, LLC's purchase in 2003, we have continued to use the building in the same manor and we have never had a vacancy in all years of ownership.

Jill M. Diemer

A handwritten signature of Jill M. Diemer.

owner/manager Dated 7-30-15

A handwritten signature of Pamela D. Audette.

Notary of Public-Dated Exo. 7.6.10.2015

PAMELA D. AUDETTE

Notary Public, State of Vermont
Expires Feb. 10, 2015

RECEIVED
JUL 30 2015

DEPARTMENT OF
PLANNING & ZONING



Diemer Apartments, LLC

14 Bacon St, Suite 205~ Burlington, VT 05401

July 25, 2015

To whom it may concern,

I, Richard M. Diemer, II, confirm that Diemer Apartments, LLC purchased 2A, 2B, 4A, 4B, 6A, 6B, 8A, 8B Hickok Place in 2003.

We were told by the previous owners (David Labrie and Vince Paradis) that the breakdown of rental units during their ownership (approximately twenty years) was as follows:

2A – One to 2 bedrooms

4A - One to 2 bedrooms

6A -One to two bedroom

8A- One to two bedrooms

2B- Six bedrooms

4B - Five bedrooms

6B - Five bedrooms

8B- Five bedrooms

Since our purchase in 2003 we have continued to use the building and units in the same manor and we have never had a vacancy in all years of ownership.

Richard M. Diemer, II

Richard M. Diemer owner/member
James D. Audette Notary of Public

Dated 7-30-15

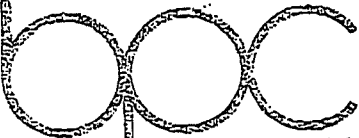
Notary of Public-Dated

7-30-15

PAMELA D. AUDETTE
Notary Public, State of Vermont
My Commission Expires Feb. 10, 2019

RECEIVED
JUL 30 2015
DEPARTMENT OF
PLANNING & ZONING

Exhibit D


BURLINGTON PLANNING COMMISSION
135 CHURCH STREET
BURLINGTON, VERMONT 05401
Telephone 802/658-9300 Ext. 155
802/658-9300 (TDD)

11/1/90

David LaBrie
Vincent Paradis
Box 235
Essex Jct., VT
05452

Re: 2 - 4 Hickock Place

Dear Mr. LaBrie & Mr. Paradis:

Please find enclosed a "no-permit" permit pertaining to the curb cuts and front yard parking at 2 - 4 Hickock Place. This office has determined that front yard parking has been on-going prior to the adoption of the Burlington zoning code, and is therefore a "grandfathered" use. No extension of this use, (as shown on curb cut permit #284, issued by Public Works Dept. April 23, 1990) will be allowed without further approval from this office.

If you have any further questions regarding this matter please feel free to contact this office at the above number.

Sincerely,



Stephen Znamierowski
Zoning Enforcement Officer

RECEIVED

JUL 30 2015

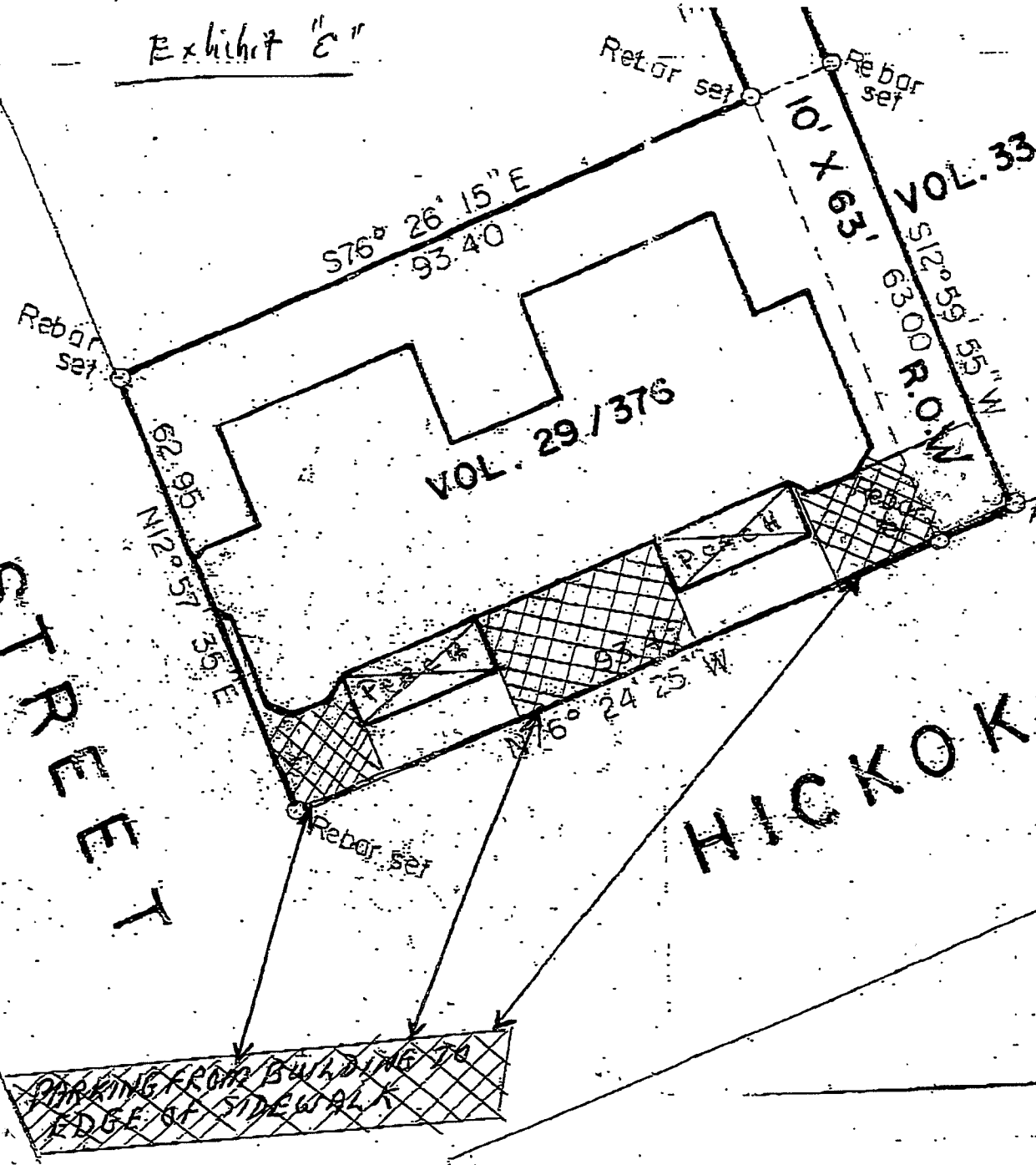
DEPARTMENT OF
PLANNING & ZONING



Exhibit "C"

STREET

HICKOK



PARKING FROM BUILDING TO
EDGE OF SIDEWALK

100'

RECEIVED

JUL 30 2015

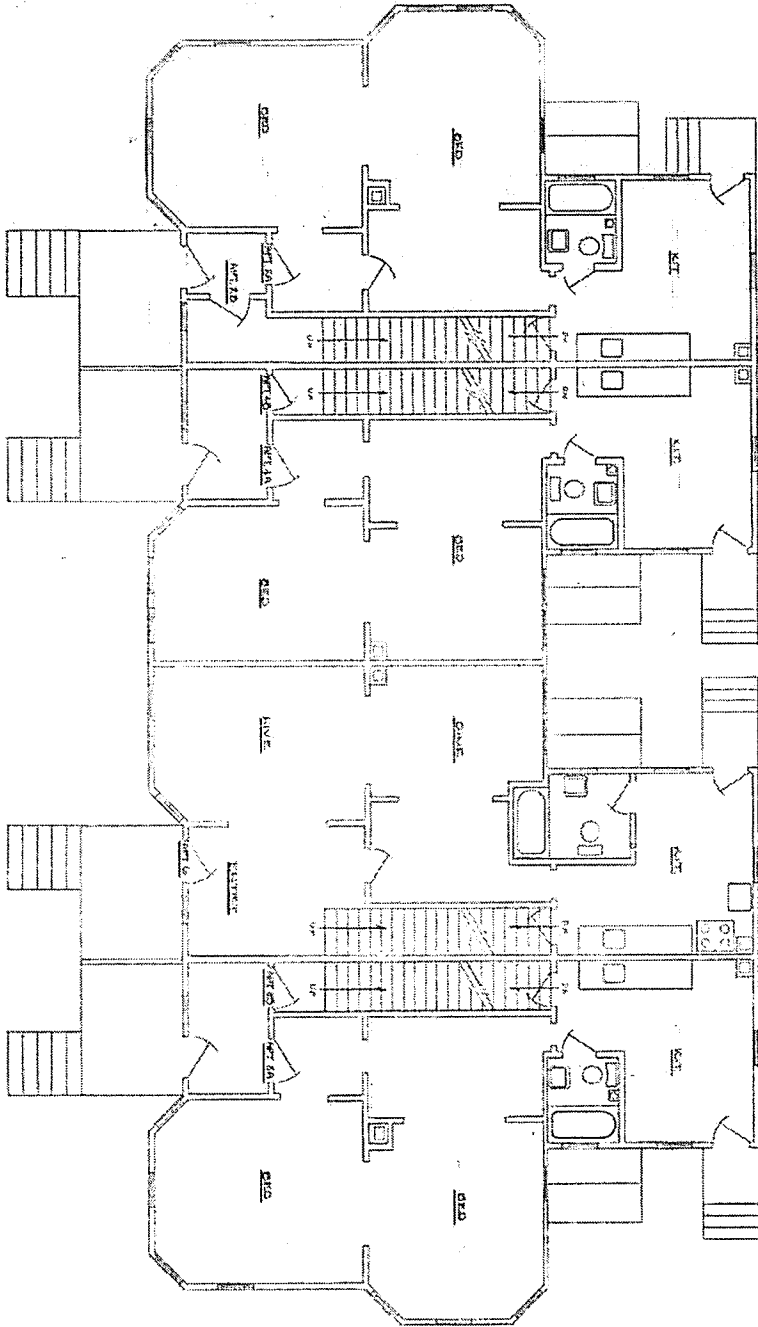
DEPARTMENT OF
PLANNING & ZONING

2-8 Hickox Place
 Burlington, VT 05401

RECEIVED

JUL 30 2015

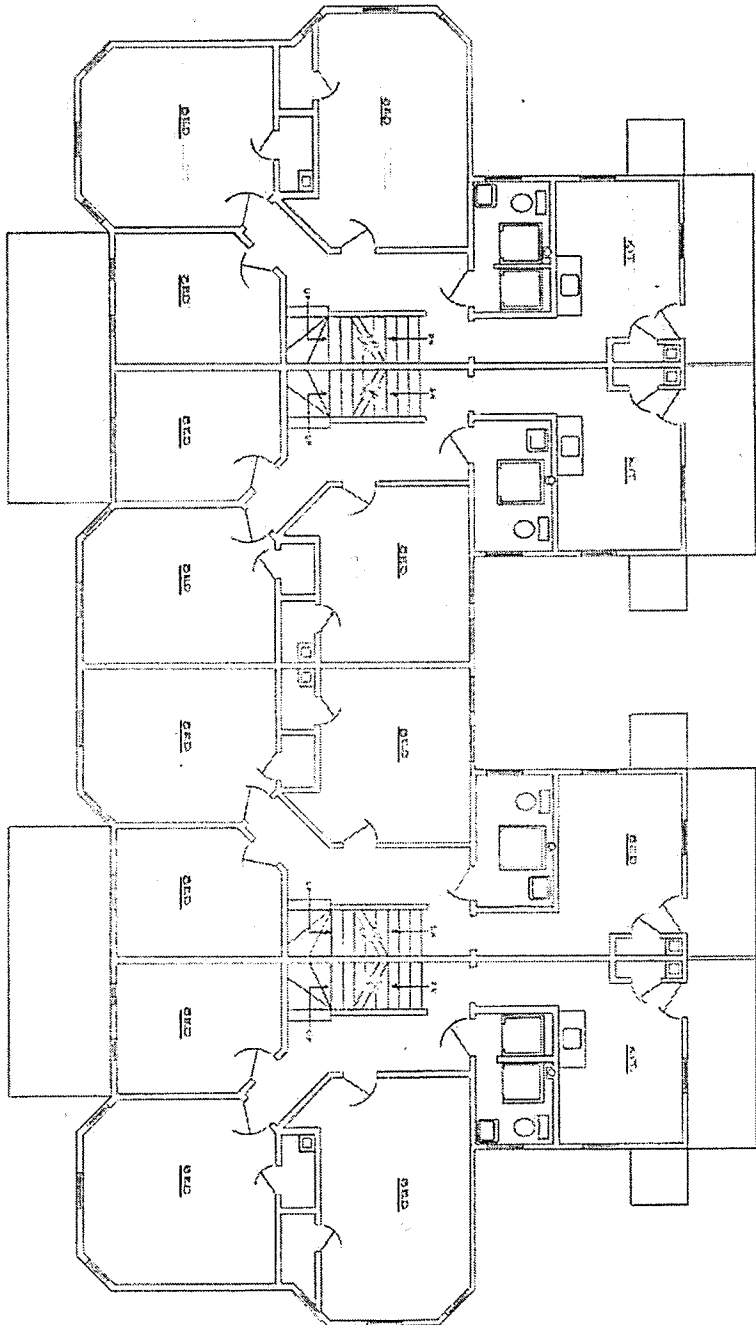
DEPARTMENT OF
 PLANNING & ZONING



FIRST FLOOR PLAN N.T.S.

6

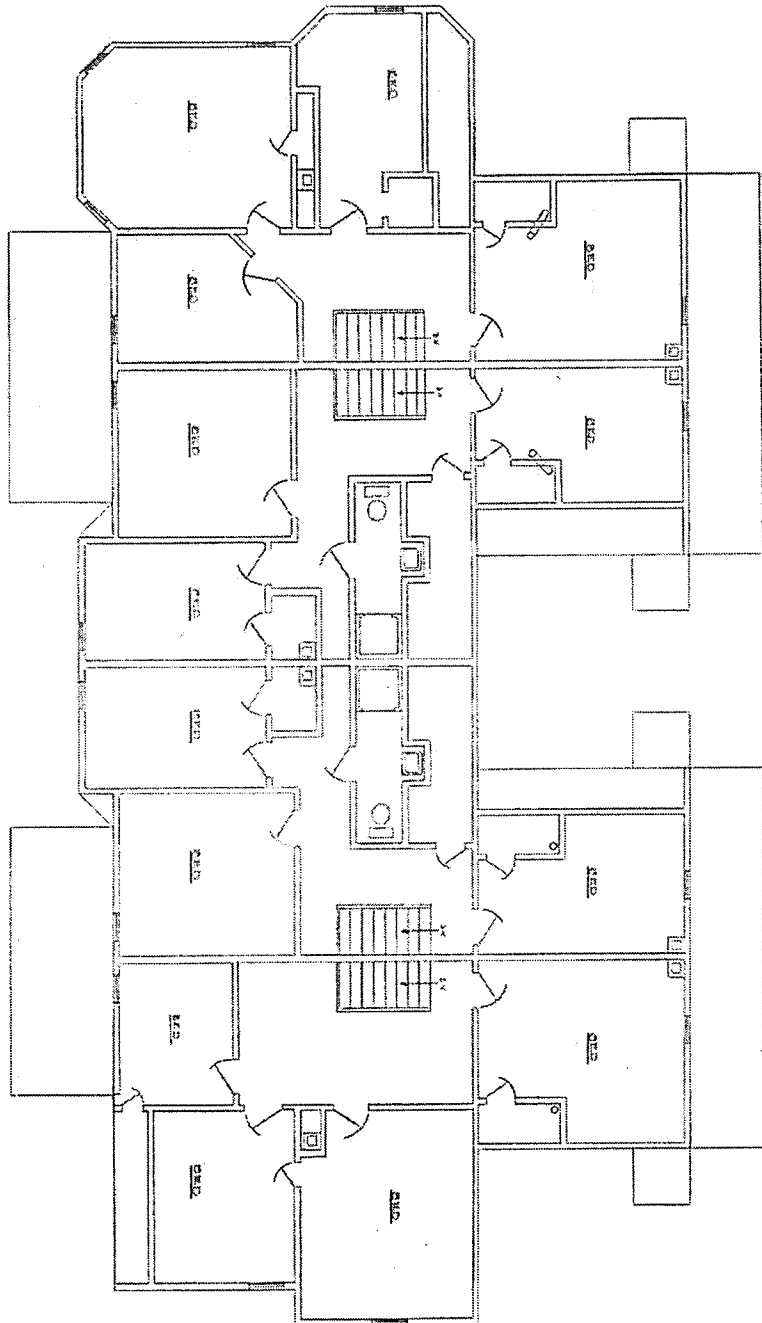
MECHANICAL CONSULTING SERVICES <small>INCORPORATED</small> <small>100 N. Main Street, Suite 200, Burlington, VT 05401</small>	
HICKOX PLACE APPTS 2-8 HICKOX PLACE BURLINGTON, VT 05401 DATE: 7/27/15 DRAWN BY: LABRIE & PARADIS FIRST FLOOR	



SECOND FLOOR PLAN 4.110

12

MECHANICAL CONSULTING SERVICES <small>2000 10th Street NW Suite 100 Washington, DC 20001</small>	
HICKOK PLACE 1000 10th Street NW Washington, DC 20001	
LABRIE & PARADIS ARCHITECTS 1000 10th Street NW Suite 100 Washington, DC 20001	
SECOND FLOOR PLAN	

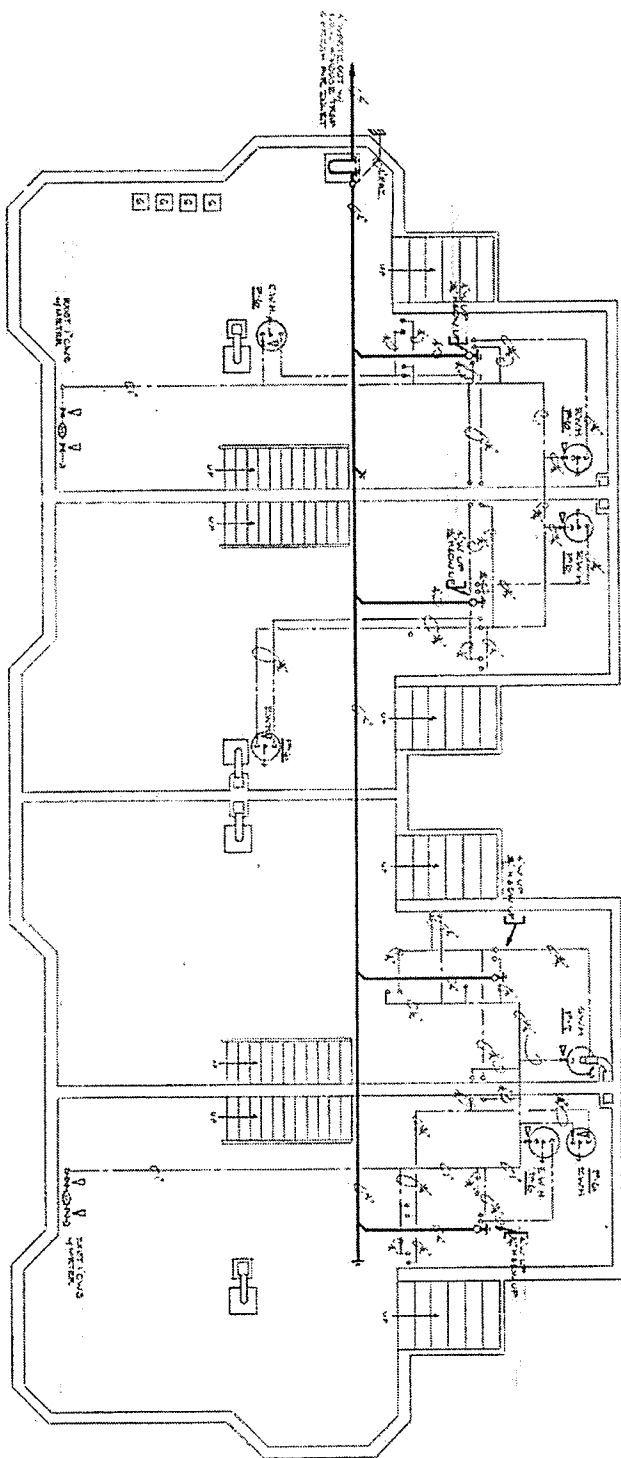


THIRD FLOOR TUNING

MECHANICAL CONSULTING SERVICES
 200 Service Road
 08073-0034

HICKOK PLACE APPTS
 20 HICKOK PLACE
 NEW YORK, NY 10022
 212-691-1111

LARINE & PARADIS
 1000 PARK AVENUE
 NEW YORK, NY 10022
 212-691-1111



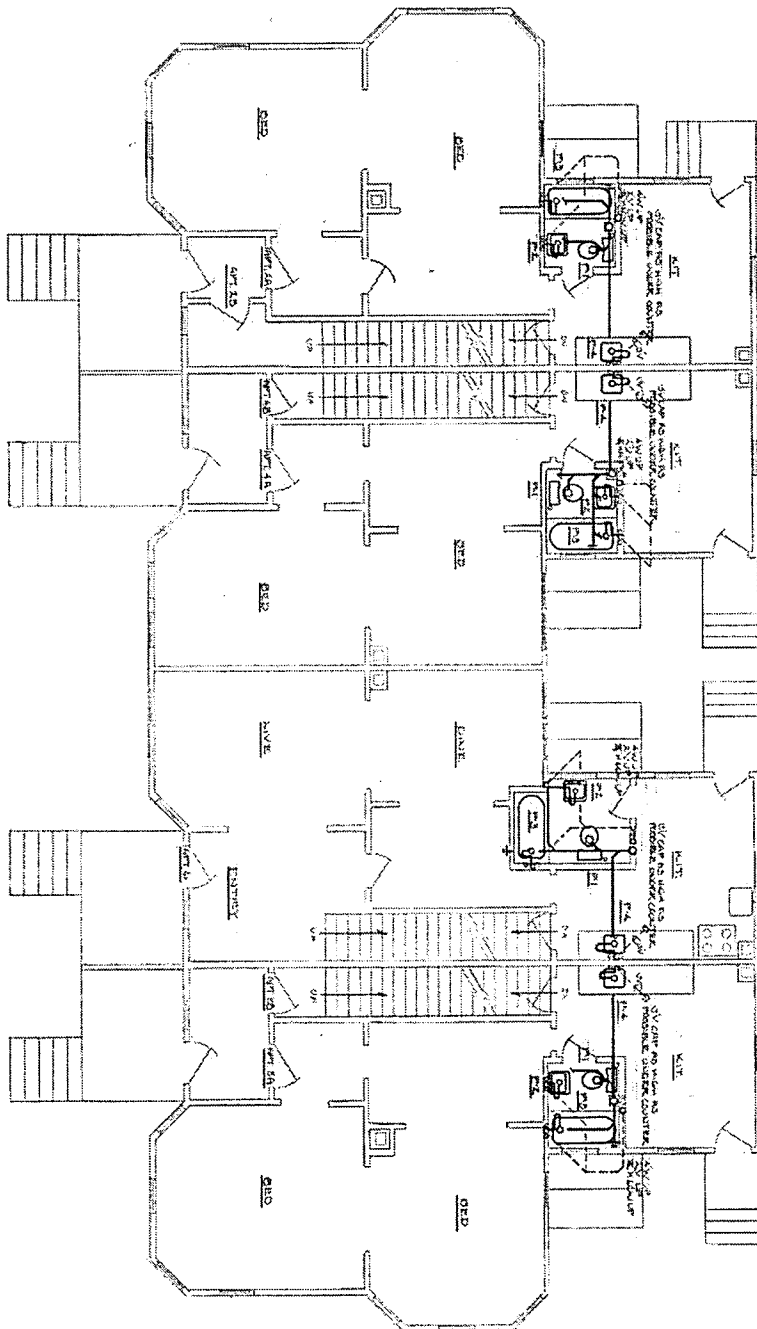
BASEMENT PLAN A-100

PLUMBING			FIXTURE			SCHEDULE		
NO.	QTY	DESCRIPTION	NO.	QTY	DESCRIPTION	NO.	QTY	DESCRIPTION
1	1	WATER CLOSET	1	1	TOILET	1	1	WATER METER
2	1	TOILET	2	1	WATER CLOSET	2	1	WATER MAIN
3	1	WATER CLOSET	3	1	TOILET	3	1	WATER MAIN
4	1	TOILET	4	1	WATER CLOSET	4	1	WATER MAIN
5	1	WATER CLOSET	5	1	TOILET	5	1	WATER MAIN
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18	1	TOILET	18	1	WATER CLOSET	18	1	WATER MAIN
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20	1	TOILET	20	1	WATER CLOSET	20	1	WATER MAIN

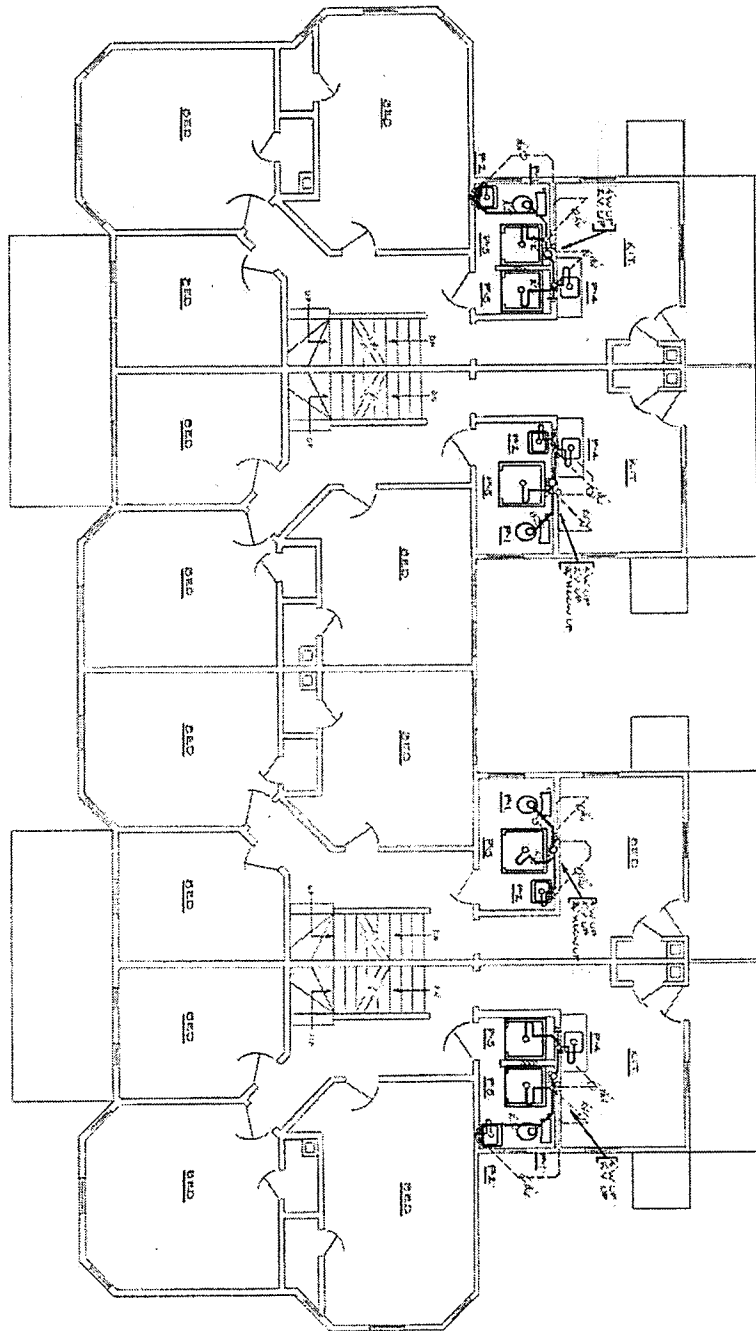
MECHANICAL
CONSULTING
SERVICES

HICKORY PLACE APTS
100 BAYVIEW & PARADISE
BAYVIEW, FL 33154

FIRST FLOOR PLAN

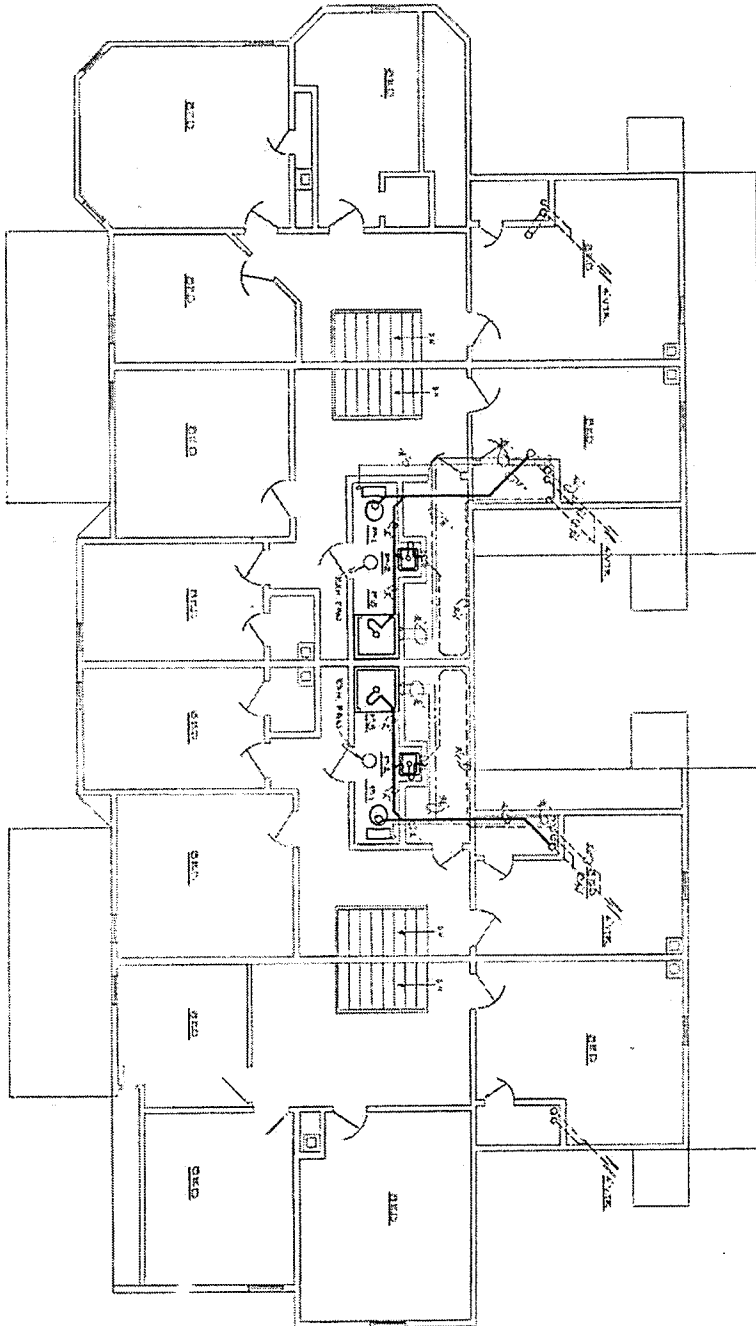


MECHANICAL CONSULTING SERVICES <small>1000 17th St. N.W.</small> <small>Washington, D.C. 20036</small>	
HICKOX PLACE APPTS 218 17th St. N.W. WASHINGTON, D.C.	
DATE 1/28/72	BY W. J. HARRIS
PROJECT MECHANICAL	DESIGN MECHANICAL
CLIENT MR. & MRS. HARRIS	ARCHITECT MR. & MRS. HARRIS
PROJECT FILE NUMBER 1000 17th St. N.W.	DATE 1/28/72



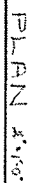
SECOND FLOOR PLAN 4'x10'

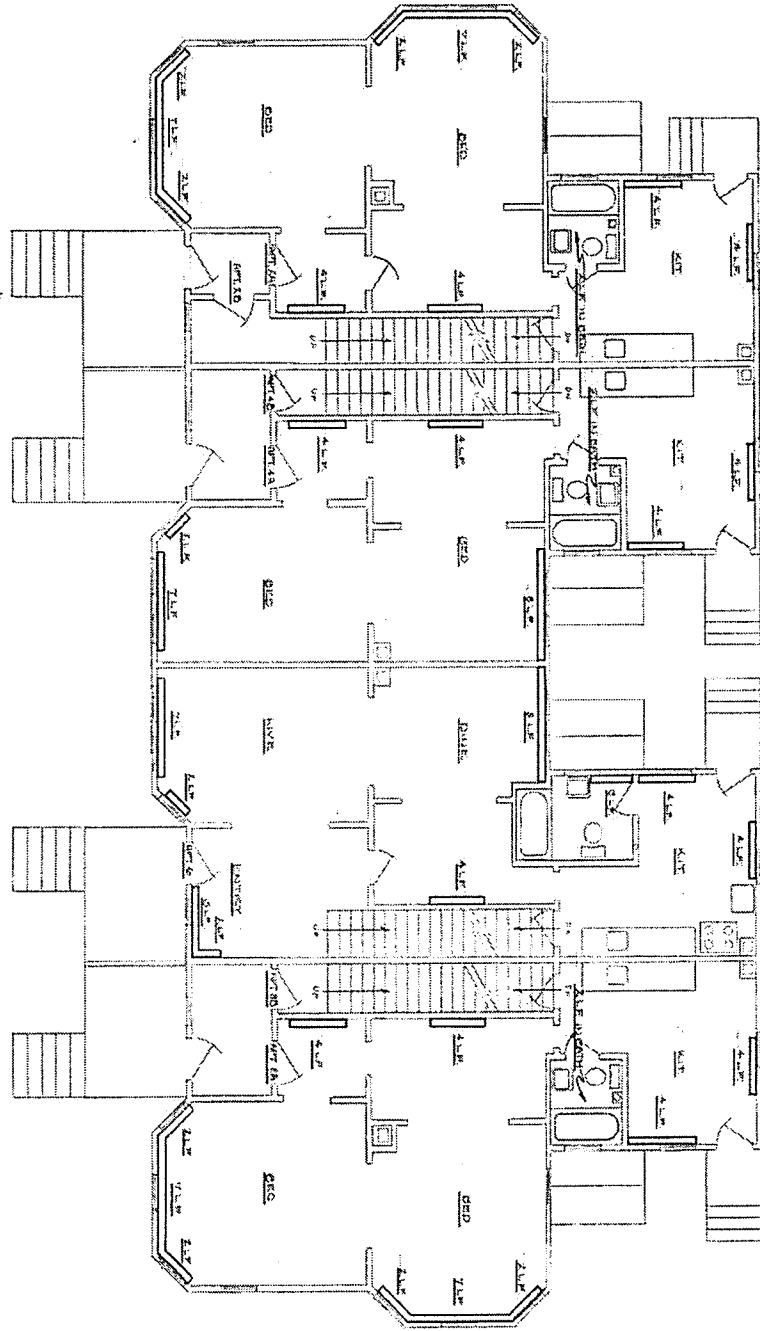
MECHANICAL CONSULTING ENGINEERS <small>1000 North 1st Street Suite 100 Portland, Oregon 97208</small>	
HICKOK PLACE APARTS 1 & 2 HICKOK PLACE PORTLAND, OREGON 97208 PROJECT NO. 1000-1000-1000	
PREPARED BY L. ORRIS & PARADIS	DATE 10/10/78
SECOND FLOOR PLAN	SHEET NO. 1000-1000-1000



THIRD FLOOR PLAN 2/16

MECHANICAL CONSULTING SERVICES 2000 10th Ave. S.W. Seattle, WA 98148	
HICKOX PLACE 1000 10th Ave. S.W. Seattle, WA 98148	LABUE & PARTNERS 1000 10th Ave. S.W. Seattle, WA 98148
THIRD FLOOR PLUMBING	1/16



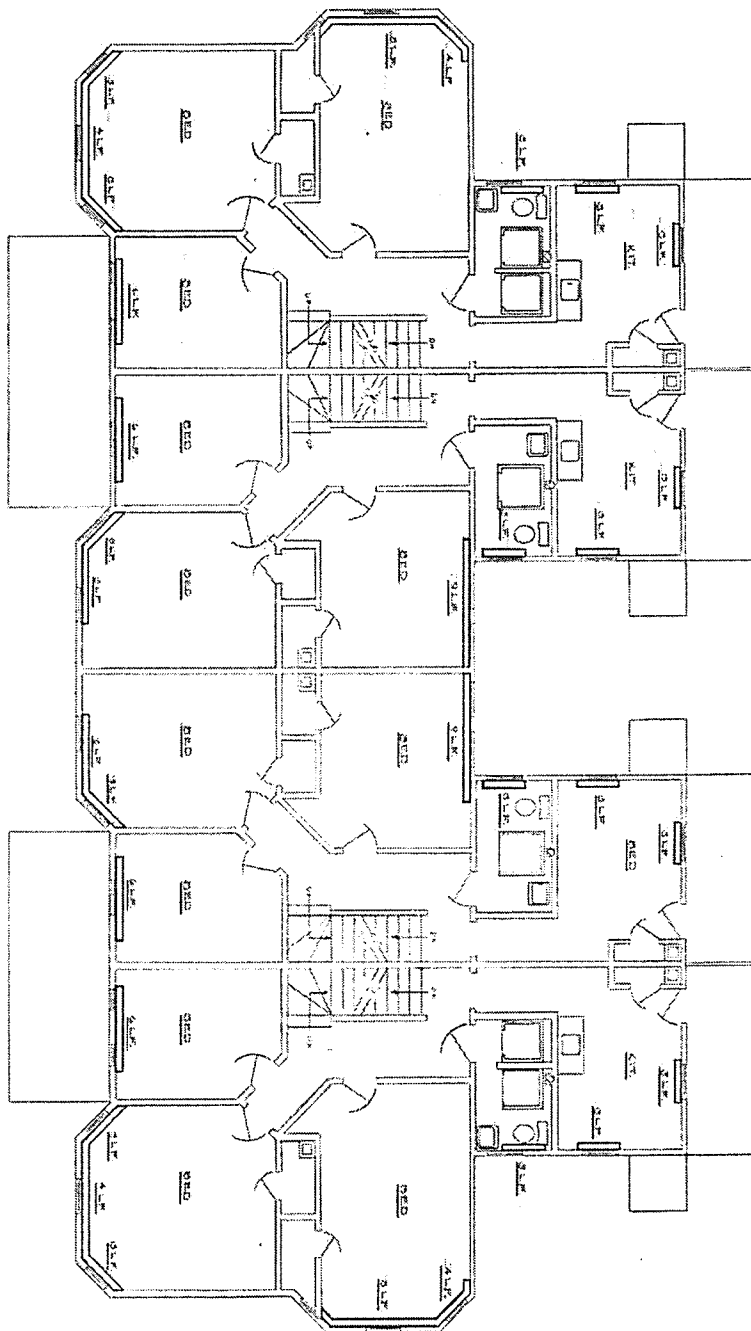


FIRST FLOOR PLAN 4'x11'6"

MECHANICAL
CONSULTING
SERVICES

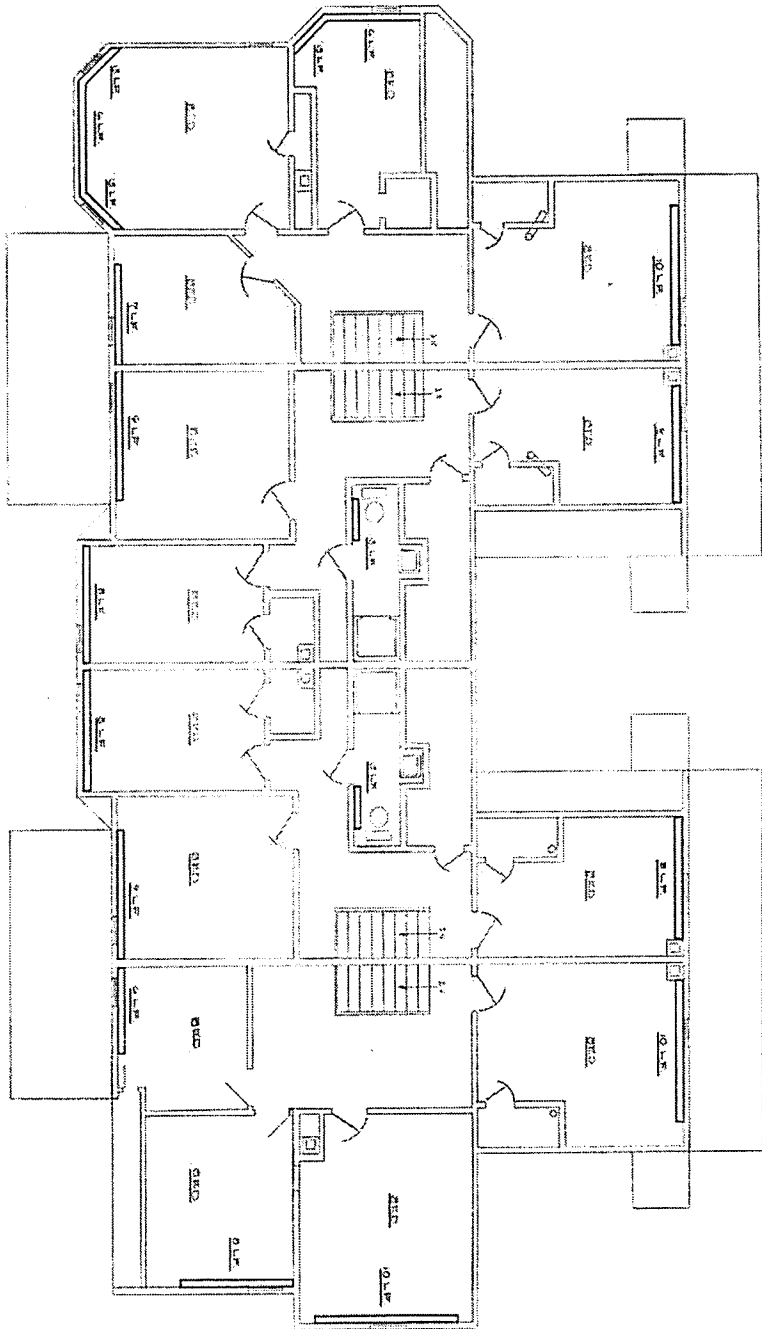
1200 14th St.
N.W.
Washington, D.C. 20004
202-462-1100

HICKOX PLACE APTS
1200 14th St. N.W.
Washington, D.C. 20004
LUBRIE & PARODIS
FIRST FLOOR HEATING - H-2



SECOND FLOOR PLAN 4'x6'

MECHANICAL CONSULTING SERVICES <small>2000 15th St. N.W.</small> <small>WASHINGTON, D.C. 20004</small>	
HICKOX PLACE APPTS 2nd Floor Plan 10/1/81 10/1/81	LABRIE & PARADIS 10/1/81 10/1/81
2200 PLY HEATING H-3	10/1/81



THIRD FLOOR PLAN 400

MECHANICAL CONSULTING SERVICES	
PROJECT NO.	DATE
PROJECT NAME	CLIENT
MECHANICAL HEATING	
H-2	



RECEIVED
JUL 29 2015

DEPARTMENT OF
PLANNING & ZONING

Diemer Apartments, LLC

14 Bacon Street~ Suite 205~ Burlington, VT 05401

July 24, 2015

City of Burlington Vermont

Planning & Zoning and Code Enforcement

1 Church St & 685 Pine St

Burlington, VT 05401

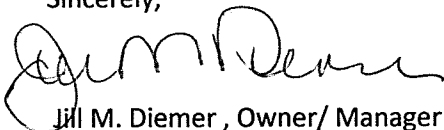
Dear Mr. Gustin, (Planning Zoning) and Mr. Ward (Code Enforcement),

This letter is to confirm the historical five and six bedroom usage as well as the grandfather parking/ curb cuts at 2B-4B-6B-8B Hickok Place in Burlington, Vermont. Diemer Apartments, LLC has owned and managed this property since 2003.


We purchased the building in 2003 from Dave Labrie & Vince Paradis. In 2003, before purchasing, we confirmed 5 & 6 bedroom, eight unit usage with Ray O'Conner, Chief Code enforcement officer at in the time. We also received a letter from the State of Vermont confirming and re-stating approved use of 33 bedrooms in the building.

Attached is supporting documentation of usage dating back to 1965, fifty years.

Sincerely,


Jill M. Diemer , Owner/ Manager

Diemer Apartments, LLC

Jill Diemer appeared before me.
This 30 Day of July 2015


PAMELA D. AUDETTE
Notary Public, State of Vermont
My Commission Expires Feb. 10, 2019

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JUL 30 2015

DEPARTMENT OF
PLANNING & ZONING

The breakdown is as follows:

2A- 1-2 bedrooms and 1 bathroom

2B - 6 -7 bedrooms- 1 bathroom/2 showers

4A- 1-2 bedrooms 1 bathroom

4B- 5-6 bedrooms 2 bathrooms

6A- 1-2 bedrooms 1 bathroom

6B- 5-6 bedrooms 2 bathrooms

8A- 1-2 bedrooms 1 bathroom

8B -5-6 Bedrooms 1 bathroom/2 showers

1 laundry room

Enclosures:

1. Approved City of Burlington permit from 1965 Raymond LaChance taking a nine bedroom and making it into 2 units at 8 Hickok Place.
2. Copied and reduced original 2-8 Hickok Place Blue Prints from Labrie and Paradis that were prepared by Mechanical Consulting Services of S Burlington VT on 06-09-1986. This shows a total of 33 bedrooms as well as the location of every room in the building.
3. Signed and stamped State of Vermont Notice Waste Water Permit Recording /amendment dated 4-23-2003. Vol. 801 page 437. This re-confirming the original 33 bedroom approval from 1986.
4. City of Burlington Certificate of Occupancy dated 3-19-2003. Donald Robar inspected all units, 2A 2B 4A 4B 6A 6B 8A 8B as well as entire building.
5. Original Sales paperwork from Dave Labrie dated 12-17-02, stating breakdown of all units to include 2B as a six bedroom, 4B as a five bedroom, 6B as a five bedroom, 8B as a five bedroom.
6. Signed and notarized affidavit Labrie & Paradis stating grandfathered parking usage and curb cuts.
7. Land Plat Survey.
8. Letter/packet confirming Grandfathered parking and curb cuts Status from City of Burlington, Stephen Znamieropwski, Zoning Enforcement Officer.
9. Letter from Ray O'Conner, Chief Code Enforcement Officer in 2003, stating number of building units being 8.
10. BTV Code Enforcement Document from 2003 showing 8B Hickok Place as a 5 bedroom unit.
11. Signed and notarized affidavit from Vince A . Paradis, prior owner of 2-8 Hickok Place regarding his confirmed five and six bedroom usage during their ownership. (David Labrie has since passed away).
12. Signed and notarized Affidavit from Diemer Apartments LLC, Jill Diemer stating confirmed usage of five and six bedrooms.

13. Signed and notarized affidavit from Diemer Apartments, LLC , Richard M Diemer II, stating confirmed usage of five and six bedrooms.
14. Signed and notarized Affidavit from Auzelina Pham Cleaning Company stating five and six bedroom usage since 2003.
15. Signed and notarized Affidavit from John Shea, Champlain Carpet Cleaning, stating confirmed usage of five and six bedrooms since they started cleaning in 2009.
16. Certificate of Compliance from Burlington Code Enforcement for 2A 2B 4A 4B 6A 6B 8A 8B.
Dated 8-21-2014.

RECEIVED
JUL 30 2015

DEPARTMENT OF
PLANNING & ZONING



CODE ENFORCEMENT OFFICE

645A Pine St, PO Box 849
Burlington, VT 05402-0849

VOICE (802) 863-0442

FAX: (802) 652-4221

CITY OF BURLINGTON RENTAL HOUSING INSPECTION PROGRAM CERTIFICATE OF COMPLIANCE

RE: 2-8 Hickok Place
Units: 8.0
Property Owner: Diemer Apartments LLC
14 Bacon St. Suite 205
Burlington, VT 05401

This rental property is subject to periodic inspection under the City's Minimum Housing Standards Ordinance according to Chapter 18 of the City of Burlington Code of Ordinances.

This document certifies that the subject rental property is registered as required by the aforementioned ordinance, Sec. 18-18, and on 08/18/2014 was found to be in compliance with the standards of that ordinance.

It is a violation of Chapter 18 to rent housing without a current Rental Certificate of Compliance.

This permit expires on: 08/18/2017, or when a violation is noted at the property due to complaint or other inspection, or upon failure to respond to a request for inspection.

Note: Routine inspection of rental units by a Code Inspector may be scheduled once every 12 to 18 months.

Matthew Perry
Housing Inspector

August 21, 2014

Folder RSN: 275187

RECEIVED

JUL 30 2015

DEPARTMENT OF
PLANNING & ZONING

RAY O'CONNOR
Chief Code Enforcement Officer
865-5382

JEANNE FRANCIS
Zoning Specialist
865-7544

KATHLEEN BUTLER
Health Specialist
865-7510



RICHARD NEBBETT
Housing Inspector
865-7525

FRANCES POLITI
Housing Inspector
865-7565

DONALD ROBEAR
Housing Inspector
865-7563

CODE ENFORCEMENT OFFICE

645A Pine St, PO Box 849
Burlington, VT 05402-0849

(802) 865-7544; FAX: (802) 863-0466

MEMORANDUM

TO: Vincent A. Paradis and David C. LaBrie
FROM: Jeanne Francis, Zoning Specialist
DATE: May 2, 2003
RE: Zoning Compliance Request for 2-4-6-8 Hickok Place, Burlington, VT

Thank you for your affidavit dated April 28, 2003 regarding the above-referenced property. Based upon said affidavit, the documentation you have provided to the City and our meeting on April 25, 2003, our office determines that the parking spaces identified in the attached affidavit and photographs dated April 25, 2003, for 2-4-6-8 Hickok Place, have existed continuously for more than 15 years and are grandfathered. As per our conversation on April 25, 2003, at most only two vehicles are allowed in the area identified as 10'x43.45 feet area at the most extreme northeast corner of the property.

Based upon that determination, your commitment to landscape and maintain the two triangular areas (with dimensions of : 5' x 5' x 7'5" and 12'6" x 5'4" x 13'3") in the southwesterly corner of the property (see attached sketch) with landscaping specified by the City of Burlington and a review of our files, there are no outstanding claims by the City that a zoning violation exists nor any zoning violation complaints, in the Code Enforcement Office, as of this date, for the property located at 2-4-6-8 Hickok Place, Burlington, Vermont.

Should you have any questions please call me at 865-7544.

Disclaimer: An on-site inspection of premises located at 2-4-6-8 Hickok Place, Burlington, VT has not been conducted by zoning officials. Therefore, this memo only addresses ZONING complaints and violations on file in the City of Burlington, Code Enforcement zoning records.

IMPORTANT NOTE: This memo does not include research of zoning permit files to insure all appropriate Zoning Permits and Zoning Certificates of Occupancy have been issued for the above property. In addition, you should submit separate request forms to the Department of Public Works Building Inspection and Minimum Housing (if appropriate) to insure the property is in compliance with their ordinance.



CODE ENFORCEMENT OFFICE

645A Pine St, PO Box 849
Burlington, VT 05402-0849

RAY OCONNOR

Chief Code Enforcement Officer
TEL: (802) 863-0442
FAX: (802) 863-0466

RECEIVED
AUG 27 2015

DEPARTMENT OF
PLANNING & ZONING

LABRIE DAVID C & VINCENT A PARADIS

PO BOX 235
ESSEX JCT, VT 05453

April 30, 2003

Dear Owner(s):

RE: 2-8 HICKOK PL

This letter is sent to you to confirm that our Office has recorded the use of the subject property as having eight (8) approved dwelling units.

Please feel free to contact me for any further information.

Sincerely,

Ray O'Connor

Chief Code Enforcement Officer

JOHN O'CONNOR
Chief Code Enforcement Officer
865-5382

JEANNE FRANCIS
Zoning Specialist
865-7544

KATHLEEN BUTLER
Health Policy and Case
Management Specialist
865-7510



GEORGE COUTRAYER
Housing Inspector
652-4235

MATTHEW PERRY
Housing Inspector
864-2156

FRANCES POLITI
Housing Inspector
865-7565

DONALD ROBEAR
Housing Inspector
865-7563

JOHN RYAN
Housing Inspector
865-7525

CODE ENFORCEMENT OFFICE

645A Pine St, PO Box 849
Burlington, VT 05402-0849
(802) 863-0442; FAX: (802) 863-0466

3/19/2003

CITY OF BURLINGTON RENTAL HOUSING INSPECTION PROGRAM CERTIFICATE OF COMPLIANCE

RE: 2-8 HICKOK PL
Units: 8

Property Owner: LABRIE DAVID C & VINCENT A PARADIS

This rental property is subject to periodic inspection under the City's Minimum Housing Standards Ordinance.
(Chapter 18)

This document certifies that the subject rental property is registered as required by the aforementioned ordinance,
Sec. 18-18, and on 1/14/2003 was in compliance with the standards of that ordinance.

It is a violation of Chapter 18 to rent housing without current certificate of compliance.

This permit expires on or before: 3/19/2006

Donald Robear
Housing Inspector

You may contact the City of Burlington Code Enforcement Office at 863-0442 for information on
the City's rental housing inspection program.

RECEIVED
JUL 30 2015

Information available in alternative media forms for people with disabilities.
For disability access information call (802) 863-0450 TTY.

DEPARTMENT OF
PLANNING & ZONING

A. O'CONNOR
Chief Code Enforcement Officer
865-5382

JEANNE FRANCIS
Zoning Specialist
865-7544

KATHLEEN BUTLER
Health Policy and Case
Management Specialist
865-7510



GEORGE COUTRAYER
Housing Inspector
652-4235

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CODE ENFORCEMENT OFFICE

645A Pine St, PO Box 849
Burlington, VT 05402-0849
(802) 863-0442; FAX: (802) 863-0466

3/19/2003

CITY OF BURLINGTON RENTAL HOUSING INSPECTION PROGRAM CERTIFICATE OF COMPLIANCE

RE: 2-8 HICKOK PL
Units: 8

Property Owner: LABRIE DAVID C & VINCENT A PARADIS

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(Chapter 18)

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Donald Robear
Housing Inspector

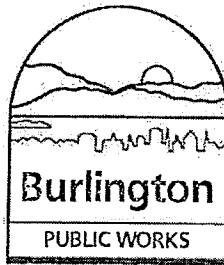
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JUL 30 2015
DEPARTMENT OF
BUILDING & ZONING

Scott Johnstone
DIRECTOR OF PUBLIC WORKS

Steven Goodkind, P.E., City Engineer
ENGINEERING DIVISION



Working together for Burlington

P.O. BOX 849 • BURLINGTON, VT 05402-0849
(802) 863-9094 BUS. • (802) 863-0466 FAX
(802) 863-0450 (T.T.Y.) For Hearing Impaired

Friday, March 07, 1997

LABRIE DAVID C &
VINCENT A PARADIS
P O BOX 235
ESSEX JCT, VT 05452

RE: 2 HICKOK PL Rental Apartments

Units: 8


Dear Owner(s) :

Thank you for completing repairs at the above referenced property as per my order of Wednesday, January 15, 1997.
My findings were as follows:

2A:	#6989-1	All Violations Resolved.
2B:	#6989-2	All Violations Resolved.
4A:	#6989-3	No Violations found.
4B:	#6989-4	No Violations found.
6A:	#6989-5	All Violations Resolved.
6B:	#6989-6	All Violations Resolved.
8A:	#6989-7	No Violations found.
8B:	#6989-8	No Violations found.

Based on these results a 6 year Certificate of Compliance is enclosed. We appreciate the effort you have put forth to maintain quality housing in the city of Burlington.

Sincerely,


Donald Robear
Minimum Housing Inspector

cc: City Clerk
Files



NOTICE OF APPEAL TO ZONING BOARD OF ADJUSTMENT
CITY OF BURLINGTON, VERMONT

NAME RAYMOND C. LACHANCE

ADDRESS 44 GREENE ST

ADDRESS OF PROPERTY REFERRED TO IN APPEAL #8 HICKOK PLACE

APPEAL FROM DECISION OF ZONING ADMINISTRATOR AS OF 16 MAR 65
date

GROUND'S OF APPEAL: SEEKING PERMISSION FOR

CONVERTING (1) GROOM APT INTO

2 APT'S (1 on ea. FLOOR) #8 HICKOK PLACE
for a total of 7 Apartments BURLINGTON VT

DATE 16 MAR 65

SIGNED R. C. Lachance
APPELLANT

RULES REGARDING APPEALS

1. ALL APPEALS FROM THE DECISION OF THE ZONING ADMINISTRATOR SHALL BE MADE IN WRITING ON THE ABOVE FORM PROVIDED BY THE ZONING BOARD ADMINISTRATOR PRIOR TO THE NEXT REGULAR MEETING OF THE BOARD OF ADJUSTMENT.
2. PLANS, SPECIFICATIONS AND PLOT PLANS SHALL ACCOMPANY ALL APPEALS.
3. THE PERSON (OR HIS REPRESENTATIVE) APPEALING TO THE BOARD SHALL APPEAR AT THE MEETING OF THE BOARD OF ADJUSTMENT WHEN HIS APPEAL IS CONSIDERED.
4. NOTICES OF APPEAL MUST BE FILED IN DUPLICATE: ONE WITH THE ZONING ADMINISTRATOR AND ONE WITH BOARD OF ADJUSTMENT.
5. FEE OF \$12.00 MUST ACCOMPANY NOTICE OF APPEAL.
6. BOARD OF ADJUSTMENT MAY REQUIRE GIVING OF NOTICE BY MAIL.

UPON THE FILING OF AN APPEAL WITH THE BOARD, SUCH APPEAL WILL AUTOMATICALLY STAND FOR HEARING AT THE SECOND NEXT SUCCEEDING REGULAR MEETING OF THE BOARD, UNLESS THE BOARD OTHERWISE ORDERS.

DATE OF MEETING 4/20/65

DATE OF PUBLIC HEARING _____ DECISION OF BOARD Approved

(THE ZONING BOARD OF ADJUSTMENT MEETS REGULARLY THE FIRST AND THIRD TUESDAY OF EACH MONTH IN ROOM 34, CITY HALL AT 4:00 P.M.)

RECEIVED

JUL 30 2015

DEPARTMENT OF
PLANNING & ZONING

STATE OF VERMONT
 AGENCY OF NATURAL RESOURCES
 DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 DIVISION OF WASTEWATER MANAGEMENT
 10 V.S.A. CHAPTER 64

NOTICE OF PERMIT RECORDING

To: Municipal/City Clerk, Burlington

Subject: Wastewater System and Potable Water Supply Permit # WW-4-1819

Landowner: Vincent A. Paradis & David C. Labrie

Land Identified In:

Deed Book	Deed Page
328	582

As Municipal Clerk for the town/city, you are hereby notified that this Notice of Permit Recording and above-referenced Wastewater System and Potable Water Supply Permit are to be recorded in the Municipal Land Records under the authority of 24 V.S.A. §1154 and 1161. The grantor(s) shall be the above-referenced landowner whose lands are identified in the Book(s) and Page(s) specified above and the grantee shall be the State of Vermont, Agency of Natural Resources. The grantor(s) and the grantee shall be listed in the general index for deeds.

The grantee's interest is limited to the lands of the grantor(s) identified in the Book(s) and Page(s) specified above as delineated in the above-referenced Wastewater System and Potable Water Supply Permit issued under the authority of 10 V.S.A. Chapter 64 and the Environmental Protection Rules.

I swear that, to the best of my information and belief, the statements made above are true.

Dated at Essex Regional Office, Vermont, on April 23, 2003.

For the Wastewater Management Division

Sydney Wyman
 Irene L. Roberge
 DEC Regional Office Coord

RECEIVED
 JUL 30 2015

DEPARTMENT OF
 PLANNING & ZONING

John J. Bergeron
Michael D. Danley
Priscilla B. Dubé
Edward D. Fitzpatrick
Douglas G. Kallen
Daniel P. O'Rourke
Vincent A. Paradis
Kerin E. Stackpole

OF COUNSEL:
John W. O'Donnell

BERGERON PARADIS
& FITZPATRICK LLP
ATTORNEYS

REPLY TO:
34 Pearl Street
P.O. Box 174
Essex Jct., VT 05452-0174
Tel (802) 879-6304
Fax (802) 879-6533
www.bpflegal.com

March 25, 2003

Ernest P. Christiansen, Regional Engineer
Department of Environmental Conservation
Wastewater Management Division
111 West Street
Essex Junction, VT 05452

Re: Vincent A. Paradis & David C. Labrie
2-8 Hickok Place, Burlington, VT

Dear Ernie:

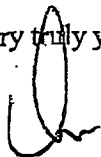
Enclosed herewith is a Wastewater System & Potable Water Supply Permit Application for an amendment to existing Permit #PB-4-1182 issued in 1986. A copy of the existing Permit #PB-4-1182 is also enclosed.

The apartment building located at 2-8 Hickok Place in Burlington, Vermont, contains 8 dwelling units, while the existing permit and approved plans indicated that the property contained 7 dwelling units. The previously approved plans depicted a total of 33 bedrooms. The actual renovations completed in 1986 which increased the number of dwelling units to 8 did not increase the number of bedrooms; accordingly, there is no change in the water supply or wastewater disposal system flows. There was no change to the approved building footprint or exterior water/sewer lines. The City of Burlington does recognize the property as containing 8 dwelling units, as evidenced by the enclosed Certificate of Compliance dated March 19, 2003.

Also enclosed herewith is a check in the amount of \$37.00 to cover the filing fee for this amendment application.

If you have any questions or concerns regarding this matter, or need any further information, please don't hesitate to contact me.

Very truly yours,



Vincent A. Paradis

VAP/rb

Enclosures

RECEIVED
JUL 30 2015

DEPARTMENT OF
PLANNING & ZONING

BURLINGTON OFFICE:

27 Main Street • P.O. Box 925 • Burlington, Vermont 05402-0925 • Tel (802) 863-1191 • Fax (802) 863-5798



801 431

State of Vermont

DOCUMENTS
for
RECORDING

WASTEWATER SYSTEM AND POTABLE WATER SUPPLY PERMIT

LAWS/REGULATIONS INVOLVED

Environmental Protection Rules

Effective August 16, 2002

Case Number: WW-4-1819

PIN: EJ03-0069

Landowner: Vincent A. Paradis

Address: P.O. Box 235
Essex Junction VT 05452

Burroughs
CITY CLERK'S OFFICE
Received 4-29-2003 at 1:00 PM
and recorded in Vol. 801 on Page 437
of Burlington Land Records. Attest:
J. LaMarche, Asst. City Clerk

This project, consisting of amending the approval for a previously approved seven unit apartment building, to an eight unit building, thirty-three bedroom remains the same, no increase in municipal water or sewer flows, no changes to the footprint of the building or the exterior water or sewer services, located at 2 through 8 Hickok Place in Burlington, Vermont is hereby approved under the requirements of the regulations named above, subject to the following conditions.

1. This permit does not relieve the permittee from obtaining all other approvals and permits as may be required from the local officials prior to proceeding with this project.
2. The project shall not deviate in a manner, which would change, or affect the exterior water supply or wastewater disposal, building location or the approved use of the building without prior review and written approval from the Wastewater Management Division.
3. The conditions of this permit shall run with the land and will be binding upon and enforceable against the permittee and all assigns and successors in interest. The permittee shall be responsible for the recording of this permit and the "Notice of Permit Recording" in the Burlington Land Records within thirty, (30) days of issuance of this permit and prior to the conveyance of any lot subject to the jurisdiction of this permit.
4. All conditions set forth in Permit #PB-4-1182 shall remain in effect except as modified or amended herein.
5. The Wastewater Management Division now reviews the water and wastewater disposal systems under 10 V.S.A., Chapter 64 - Potable Water Supply and Wastewater System Permit.
6. By acceptance of this permit, the permittee agrees to allow representatives of the State of Vermont access to the property covered by the permit, at reasonable times, for the purpose of ascertaining compliance with the Vermont environmental and health statutes and regulations.

Dated at Essex Junction, Vermont on April 23, 2003.

Jeffrey Wennberg, Commissioner
Department of Environmental ConservationBy Jessanne Wymah
Jessanne Wymah
Assistant Regional EngineerC For the Record
Burlington Planning Commission & Select BoardRECEIVED
JUL 30 2015DEPARTMENT OF
PLANNING & ZONING

STATE OF VERMONT
 AGENCY OF NATURAL RESOURCES
 DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 DIVISION OF WASTEWATER MANAGEMENT
 10 V.S.A. CHAPTER 64

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I swear that, to the best of my information and belief, the statements made above are true.

Dated at Essex Regional Office, Vermont, on April 23, 2003.

For the Wastewater Management Division

Sydney Wyman
 Irene L. Roberge
 DEC Regional Office Coord

RECEIVED
 JUL 30 2015

DEPARTMENT OF
 PLANNING & ZONING